

Article 6 | District Intensity Standards

Sec. 6.1 District Intensity in General

6.1.1 Purpose

The district development standards of this Ordinance establish lot sizes and certain restrictions for all residential and nonresidential development. These standards allow for variety in housing and building types while striving to maintain the overall character of neighborhoods and commercial areas of Durham. Development standards established in this Ordinance are based on Durham's five planning tiers as established in the *Comprehensive Plan*. Standards in this section are specific to each district and are above and beyond the general standards for all districts enumerated in Article 7, Design Standards, through Article 13, Additional Requirements for Subdivisions. Separate standards are established to regulate residential and nonresidential development in each tier and for certain nonresidential districts. This approach to district and tier development standards implements the Comprehensive Plan and has several public benefits:

- A. It allows for development that is more sensitive to the environment and allows for the preservation of open and natural areas.
- B. It promotes quality site layout and energy-efficient development.
- C. It promotes affordable and life-cycle housing.
- D. It promotes development intensities that match existing and proposed infrastructure investments.
- E. It promotes infill development that is consistent in character and scale with established neighborhoods.
- F. It promotes compact land development that supports alternate transportation, such as bicycling, walking, mass transit.
- G. It promotes market-based development decisions while protecting shared public interests.

6.1.2 Flexible Development Tools by Plan Tier

The district intensity standards set forth in this Article provide for flexible development tools in each planning tier, as shown below:

Development Tool	Rural	Suburban	Urban	Compact Neighborhood	Downtown
Conservation Subdivision	✓	✓			
Variable Housing Types		✓	✓	✓	
Major Roadway Density Bonus		✓	✓		
Affordable Housing Bonus		✓	✓	✓	
Lot Averaging		✓	✓	✓	
Cluster Subdivision		✓	✓		
Variable Frontage and Building Types				✓	✓
Vertical Integration of Uses				✓	✓

Sec. 6.2 Residential Rural (RR) Development Intensity

6.2.1 Development Standards

A. Dimensional Standards

1. All residential development in the RR District shall meet the standards in the table below, except that, any legally established lot of record created prior to the effective date of this Ordinance may be developed with a single family residence subject to Sec. 8.4, Floodplain and Flood Damage Protection Standards, and Sec. 8.7, Watershed Protection Overlay Standards, and the availability of water and wastewater treatment systems.

Dimensional Standard	Rural Tier Watershed		Rural Tier Non-Watershed		Suburban Tier	
	Min.	Max.	Min.	Max.	Min.	Max.
Residential Density (units per acre)						
Conventional Subdivision	---	0.33	---	0.5	---	1.4
Conservation Subdivision	---	0.5	---	0.75	---	2.0
Open Space (% of gross area) ¹						
Conventional Subdivision	---	---	---	---	---	---
Conservation Subdivision	50	---	50	---	50	---
Lot Area ²	3 ac.	---	2 ac.	---	30,000 s.f.	---
Lot Width (feet) ²	200	---	150		100	---
Street Yard (feet) ²	50	---	50		50	---
Side Yard (feet) ²						
Minimum Each Side	25	---	12		12	---
Minimum Both Sides (total)	50	---	30		30	---
Rear Yard (feet) ²	50	---	25		25	---
Height (feet)	---	35	---	35	---	35

¹ Please see Sec. 12.5, Recreation Land, for additional land dedication requirements that may apply.

² For conservation subdivision dimensional requirements, see below.

2. Within a conservation subdivision:
 - a. The minimum street yard shall be eight feet.
 - b. No minimum side yard shall apply; however, a minimum building separation of 10 feet shall apply.
 - c. Rear yards shall be those indicated for conventional subdivisions in the table in paragraph 6.2.1A.1 above.
 - d. Minimum lot areas for conservation subdivisions shall be approved by the County Health Department for individual wastewater treatment systems. Where public or community wastewater systems are approved to serve the development, no minimum lot size or width shall apply.
3. Additional height is permitted for non-farm structures at a rate of one additional foot for every one foot of additional setback provided. In no event shall the structure be more than 45 feet in height.

- B. Development in the Rural Villages of Bahama and Rougemont as designated in the *Comprehensive Plan* can use the Suburban Tier dimensional standards subject to Sec. 8.4, Floodplain and Flood Damage Protection Standards, and Sec. 8.7, Watershed Protection Overlay Standards, and the availability of water and wastewater treatment systems.
- C. **Accessory Structure Requirements (City Only)**
 - 1. In addition to the accessory structure requirements set forth in Sec. 5.4, Accessory Uses and Standards, the following accessory structures shall maintain a minimum 50-foot setback from all property lines.
 - a. New farm buildings and equestrian facilities; and
 - b. Pens, chicken coops, corrals, or similar enclosures where livestock are kept.
 - 2. Livestock shall be kept in pens, chicken coops, corrals, or similar enclosures.

Commentary: *The Durham City Code of Ordinances considers the accumulation of refuse and debris a public nuisance pursuant to Sec. 26-179, Accumulation of refuse and debris declared public nuisance; abatement.*

6.2.2 Permitted Housing Types

Only Single-Family Detached Houses, as described in paragraph 7.1.2, and manufactured homes shall be permitted.

6.2.3 Residential Density

Residential density shall not exceed the maximum densities set forth in paragraph 6.2.1A, Dimensional Standards.

6.2.4 Conservation Subdivision

A. Purpose

The conservation subdivision shall be established for the following purposes:

- 1. To provide flexibility of design in order to promote environmentally sensitive and efficient uses of the land;
- 2. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat;
- 3. To preserve important historic and archaeological sites;
- 4. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
- 5. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;
- 6. To promote interconnected greenways and corridors throughout the community;
- 7. To promote contiguous green space with adjacent jurisdictions;
- 8. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood;

9. To encourage street designs that reduce traffic speeds and reliance on main arteries;
10. To promote construction of landscaped walking trails and bike paths conveniently located both within the subdivision and connected to neighboring communities, businesses and facilities to reduce reliance on automobiles;
11. To conserve scenic views from public roadways and reduce perceived density; and
12. To protect prime agricultural land and preserve farming as an economic activity.

B. Applicability of Regulations

1. This conservation subdivision option is available as a use by right subject to subdivision approval in accordance with Sec. 3.6, Subdivision Review; and in accordance with the standards set forth in paragraph 6.2.4A, Purpose, and paragraph 6.2.4H, Primary and Secondary Conservation Areas.
2. As required under Sec. 3.6, Subdivision Review, a conservation subdivision shall conform to the requirements of this Ordinance, including Article 8, Environmental Protection, and other development-related ordinances; except that the requirements of this section shall supersede any conflicting ordinance provisions.
3. Spray irrigation for the treatment of wastewater within a conservation subdivision shall require a major special use permit under Sec. 3.9, Special Use Permit, unless the area to be irrigated is a primary conservation area that is farmland or agricultural land.

C. Ownership of Development Site

The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

D. Density Calculation

Maximum density in a conservation subdivision shall be determined by multiplying the gross area of the tract of land, including all areas typically excluded from density calculations in Article 8, Environmental Protection, by the maximum gross density for the site as defined in subsection 6.2.1A, Dimensional Standards.

E. Mass Grading

Mass grading is allowed in conservation subdivisions that receive public water/sewer service or use community wastewater treatment facilities or package treatment plants. It is prohibited in all other conservation subdivisions.

F. Open Space Requirements

1. Relationship to other open space requirements

Except for paragraph 7.2.5, Ownership and Management of Open Space, the requirements of Sec. 7.2, Open Space, do not apply to conservation subdivisions.

2. Amount of open space

The amount of open space shall be 50% of total gross area as required under Sec. 6.2, Residential Rural (RR) Development Intensity, and shall be apportioned as set forth below in paragraph G, Primary and Secondary Conservation Areas and Other Open Space.

3. Ownership

Open space shall be held in common ownership or dedicated to the public or a land trust or similar conservation-oriented non-profit organization rather than platted as part of individual private lots, and shall be subject to the requirements of paragraph 7.2.6, Ownership and Management of Open Space.

G. Application Requirements**1. Submittal Requirements**

In addition to all subdivision application materials required in accordance with Sec. 3.6, Subdivision Review, the applicant shall submit a site analysis map. The complete site analysis map shall first be presented for discussion at the pre-application conference required under paragraph 3.2.2, Pre-Application Conference.

2. Site Analysis Map

The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this section. The site analysis map shall include the following features:

- a. Property boundaries;
- b. All streams, rivers, lakes, wetlands and other hydrologic features;
- c. Topographic contours of no less than 10-foot intervals unless a more precise vertical scale is available;
- d. All primary and secondary conservation areas labeled by type (see paragraph H. below);
- e. General vegetation characteristics;
- f. General soil types and areas suitable for installation of on-site wastewater treatment systems;
- g. The planned location of protected open space;
- h. Existing roads and structures; and
- i. Potential connections with existing open space and trails.

H. Primary and Secondary Conservation Areas and Other Open Space**1. Primary Conservation Areas**

At least 80 percent of the required open space in a conservation subdivision shall consist of primary conservation areas.

Commentary: Because 50 percent of the total gross area in a conservation subdivision must be open space under paragraph 6.2.1, Development Standards, 40 percent of the total gross area must be primary conservation areas.

The following are considered primary conservation areas and shall be included within the required open space in the order of preference listed below. *Secondary* conservation areas and other open space can be included only after *primary* conservation areas comprise 80 percent of required open space.

- a. Special Flood Hazard Areas and Future Conditions Flood Hazard Areas;
- b. Riparian buffers along all perennial and intermittent streams;
- c. Wetlands protected by the Army Corps of Engineers or the North Carolina Department of Environment and Natural Resources and any provided or required buffers;
- d. Lakes, ponds, and other water bodies, excluding created stormwater management facilities;
- e. Areas at least 5,000 contiguous square feet in size with any natural slopes greater than 25%;
- f. Existing forests (meeting the standards in paragraph 8.3.1D, Preserved Tree Coverage, except any that conflict with the provisions of this section), at least one contiguous acre in size, in which healthy hardwood trees at least 10 inches in diameter at breast height comprise at least 50 percent of the area;
- g. Wildlife corridors, wildlife habitats, and other sites identified in the *Durham County Inventory of Important Natural Areas, Plants and Wildlife (Inventory)* or adopted plans;
- h. Greenways, rail trails, and other open space identified in adopted plans;
- i. Historic sites or structures currently designated in, or eligible for, the National Register of Historic Places;
- j. Sites identified in the *Durham Architectural and Historic Inventory*;
- k. Sites identified in the *Durham County Archaeological Inventory* and other identified archeological sites, including cemeteries and burial grounds;
- l. Sites at least five contiguous acres in size identified by the City, County, State, or federal government as farmland or agricultural land that is prime, unique, or of statewide or local importance; and
- m. Viewsheds from designated federal and North Carolina Scenic Byways.

2. Secondary Conservation Areas

The following are considered secondary conservation areas and shall be included within the required open space in the order of preference listed below if additional space is still required after all primary conservation areas have been included:

- a. Existing forests (meeting the standards in paragraph 8.3.1D, Preserved Tree Coverage, except any that conflict with the provisions of this section), at least 12,000 contiguous square feet in size, in which healthy hardwood trees at least 10 inches in diameter at breast height comprise at least 50 percent of the area;
- b. Areas with any natural slope greater than 20%, unless identified as primary conservation areas;
- c. Buffers in excess of Ordinance requirements around any primary conservation area;
- d. Individual existing healthy trees greater than 18 inches in diameter at breast height; and

- e. New or existing improved pedestrian trails that are not identified as primary conservation areas or located in other conservation areas and that do not negatively impact other conservation areas. Such trails can be located in utility easements only if all utilities in the easements are buried, and in such cases only the improved trails, and not the easements, shall be considered secondary conservation areas.

3. Other Open Space

The following areas can be included within the required open space if additional space is still required after all primary and secondary conservation areas have been included:

- a. Any land used for agricultural purposes that is not a primary conservation area;
- b. Naturally vegetated areas, or areas re-vegetated to appear naturally vegetated, that are not primary or secondary conservation areas;
- c. Playing fields surfaced with natural turf;
- d. Golf courses identified by the City or County as "green" due to use of best management practices, excluding club houses, parking areas, and other impervious surfaces;
- e. Stormwater management facilities engineered as bioretention areas or wetlands, including easements for such facilities, can comprise a maximum of 10 percent of required open space.

Sec. 6.3 Residential Suburban (RS) Development Intensity

6.3.1 Development Standards

A. Dimensional Standards

1. All residential development in the RS districts shall meet the standards in the table below. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Dimensional Standard	RS-20		RS-10		RS-8		RS-M		
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max. without Development Plan	Max. with Development Plan (see paragraph 3.5.6)
Residential Density (units per acre)	---	2.0	---	4.0	---	5.0	---	8.0	18.0
Open Space(% of gross area) ¹									
Conventional Subdivision	---	---	15	---	15	---	18	---	---
Cluster Subdivision	---	---	15	---	15	---	18	---	---
Site Area (acres)									
Conventional Subdivision	---	---	---	---	---	---	---	---	---
Cluster Subdivision	4	---	4	---	4	---	---	---	---
Site Width (feet)	---	---	---	---	---	---	200	---	---
Lot Area (square feet)									
Conventional Single-Family Detached	20,000	---	10,000	---	8,000	---	5,000	---	---
Other Housing Types	See Sec. 7.1, Housing Types								
Height (feet)	---	35	---	35	---	35	---	35	---

¹ Please see Sec. 12.5, Recreation Land, for additional land dedication requirements that may apply.

2. The maximum residential density does not apply to actions listed under paragraph 3.6.2, Actions Exempt from Subdivision Requirements. Where this maximum does apply, density can be increased in accordance with paragraph 6.3.3B, RS-M District Major Roadway Density Bonus, or Sec. 6.6, Affordable Housing Bonus. Other than these options, the maximum density shown cannot be exceeded even though the use of an alternative housing type may impose smaller lot size requirements.
3. For cluster subdivisions in the RS-20, RS-10, and RS-8 districts, the lot size reduction would be added to the minimum open space requirement.
4. For both conventional and cluster subdivisions in the RS-M District open space requirements also apply to the development standards for apartments.
5. Minimum lot area for conventional, single-family detached housing types can be reduced in accordance with paragraph 6.3.3C, Lot Averaging.
6. Additional height in the RS-20, RS-10, and RS-8 districts is permitted at a rate of one additional foot for every one foot of additional setback provided. In no event shall the structure be more than 45 feet in height.
7. For projects in the RS-M District, additional height is permitted at a rate of one additional foot for every one foot of additional setback provided, if shown on a development plan meeting the requirements of paragraph 3.5.6, Development Plan.

8. Minimum lot area may be higher as required by the County Health Department for individual wastewater treatment systems or “Package Plant” style wastewater treatment systems.

B. RS-20 District Accessory Structure Requirements (City Only)

1. In addition to the accessory structure requirements set forth in Sec. 5.4, Accessory Uses and Structures, the following accessory structures shall maintain a minimum 50-foot setback from all property lines:
 - a. New farm buildings and equestrian facilities; and
 - b. Pens, chicken coops, corrals, or similar enclosures where livestock are kept.
2. Livestock shall be kept in pens, chicken coops, corrals, or similar enclosures.

Commentary – *The Durham City Code of Ordinances considers the accumulation of refuse and debris a public nuisance pursuant to Sec. 26-179, Accumulation of refuse and debris declared public nuisance; abatement.*

6.3.2 Permitted Housing Types

Residential uses allowed pursuant to Sec. 5.1, Use Table, shall be limited to the housing types permitted in accordance with the following table. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Housing Type	RS-20	RS-10	RS-8	RS-M
Single-Family Detached	✓	✓	✓	✓
Zero Lot Line House		✓	✓	✓
Patio house		✓	✓	✓
Semi-Attached House		✓ ¹	✓ ¹	✓
Duplex				✓
Townhouse				✓
Multiplex				✓
Apartment				✓

¹ Cluster subdivision only; see Sec. 6.7, Cluster Subdivision.

6.3.3 Residential Density

A. Maximum Residential Density

Residential density shall not exceed the maximum densities set forth in paragraph 6.3.1A, Dimensional Standards.

B. RS-M District Major Roadway Density Bonus

An increase in the maximum residential density of one unit per acre is allowed for all parcels in the RS-M District, or as authorized elsewhere within the Ordinance, if at least one of the following conditions is met:

1. Parcels maintain at least 500 feet of frontage on a major thoroughfare that is not a full or limited control-of-access facility.
2. Parcels maintain at least 500 feet of frontage on a service road for a full or limited control-of-access facility, and the development utilizes the service road for at least one access point pursuant to paragraph 12.2.4, External Access Required.

C. Lot Averaging

Lot area averaging, as more specifically set forth in Sec. 7.1, Housing Types, is permitted, provided that:

1. The maximum reduction allowed is 15% of the minimum lot area;
2. The average area of all lots in the subdivision meets or exceeds the minimum lot area; and
3. The overall density of the subdivision does not exceed the maximum permitted residential density.

Commentary: Some lots in a proposed conventional subdivision can be reduced in area by up to 15% (for example, a 10,000 SF lot could be reduced to 8,500 SF), provided that other lots exceed 10,000 SF and the overall average lot area is 10,000 SF or greater.

D. Application of Density Requirements for Single-Family Development

For single-family developments, the density requirements in paragraph 6.3.1A, Dimensional Standards, do not apply if the project does not require subdivision or site plan approval.

Sec. 6.4 Residential Urban (RU) Development Intensity

6.4.1 Development Standards

A. Dimensional Standards

1. All residential development in the RU districts shall meet the standards in the table below. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

	RU-5		RU-5(2)		RU-M		
Dimensional Standard	Min.	Max.	Min.	Max.	Min.	Max. without a Development Plan	Max. with a Development Plan (see paragraph 3.5.6)
Residential Density (units per acre)							
Project Under 4 Acres	---	8.0	---	8.0	---	12.0	20.0
Project 4 Acres or Greater	6.0	8.0	6.0	8.0	8.0	12.0	20.0
Open Space (% of gross area) ¹	5	---	5	---	6	---	
Site Area Site Width Lot Area	See Sec. 7.1, Housing Types						
Height (feet)	---	35	---	35	---	55	

¹Please see Sec. 12.5, Recreation Lands, for additional requirements that may apply.

¹Please see Sec. 12.5, Recreation Lands, for additional requirements that may apply.

2. Maximum density can increase in accordance with paragraph 6.4.3, Residential Density, and/or Sec. 6.6, Affordable Housing Bonus. Other than these options, the maximum density shall not be exceeded even though the use of an alternative housing type may impose smaller lot size requirements.
3. Additional height in the RU-5 and the RU-5(2) districts is permitted at a rate of one additional foot for every one foot of additional setback provided. In no event shall the structure be more than 45 feet in height.
4. If the project in the RU-M District is on at least a four acre lot, the maximum height can be increased up to 75 feet through the issuance of a minor special use permit.

6.4.2 Permitted Housing Types

Residential uses allowed pursuant to Sec. 5.1, Use Table, shall be limited to the housing types permitted in accordance with the following table. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Housing Type	RU-5	RU-5(2)	RU-M
Single-Family Detached	✓	✓	✓
Zero Lot Line House	✓	✓	✓
Traditional House	✓	✓	✓
Patio house	✓	✓	✓
Semi-Attached House	✓	✓	✓
Duplex		✓	✓
Townhouse	✓ ^{1,2}	✓ ²	✓ ²
Multiplex			✓
Apartment			✓

¹Cluster subdivision only, see Sec. 6.7.

²See also paragraph 6.4.3D, Townhouse transitional use, where applicable.

6.4.3 Residential Density

A. Major Roadway Density Bonus Area

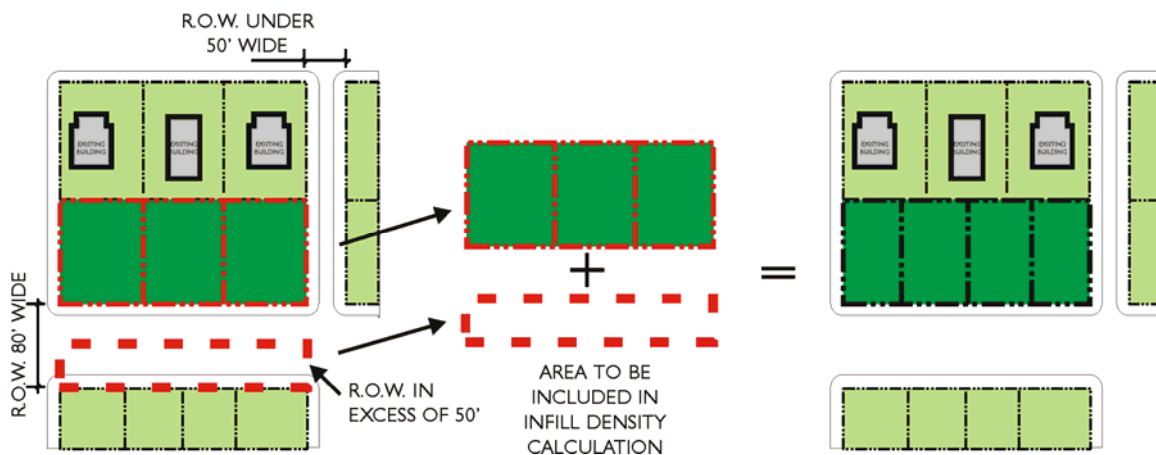
For projects located adjacent to streets with a right-of-way over 50 feet in width, the area for the project may be calculated to include that portion of right-of-way in excess of 50 feet for purposes of determining density.

Sample Calculation: A project includes recombination of 3 lots measuring 75 by 100 feet, and lies adjacent to a right-of-way measuring 80 feet in width.

$75 \times 100 = 7,500 \text{ SF} \times 3 \text{ existing lots} = 17,500 \text{ SF}$ (standard calculation)

Frontage of 225 feet \times 30 feet (in excess of 50-foot ROW) = 6,750 SF Bonus Area

Density Allocation = 24,250 SF (.56 ac.) multiplied by 7.4 units per acre = 4.1 units (4 lots)



B. Thoroughfare Density Bonus

Projects located along major or minor thoroughfares with rights-of-way greater than 50 feet in width can develop as townhouses, using the dimensional provisions of paragraph 7.1.8, Townhouses, so long as the average width of the townhouse lots is at least 20 feet. Projects developed utilizing this option shall meet all of the requirements of Sec. 6.8, Infill Development in Residential Districts, where applicable; except that the requirements regarding minimum lot width established in paragraph 6.8.2, Lot Width, shall not apply.

C. Lot Averaging

Lot area averaging, as more specifically set forth in Sec. 7.1, Housing Types, is permitted, provided that:

1. The maximum reduction allowed is 15% of the minimum lot area;
2. The average area of all lots in the subdivision meets or exceeds the minimum lot area; and
3. The overall density of the subdivision does not exceed the maximum permitted residential density.

D. Townhouse Transitional Use

Sites located immediately between and adjacent to nonresidential and single-family residential uses can develop as townhouses, using the dimensional provisions of paragraph

Sec. 6.4 Residential Urban (RU) Development Intensity

- 7.1.8, Townhouses, to serve as a transitional use. Projects developed utilizing this option shall meet all of the requirements of Sec. 6.8, Infill Development in Residential Districts, where applicable, except that the requirements regarding minimum lot width established in paragraph 6.8.2, Lot Width, shall not apply.
- E.** For single-family and two-family developments, the density requirements in paragraph 6.4.1A, Dimensional Standards, do not apply if the project does not require subdivision or site plan approval.

Sec. 6.5 Residential Compact (RC) Development Intensity

6.5.1 Development Standards

A. Dimensional Standards

1. All residential development in the RC District shall meet the standards in the table below. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Dimensional Standard	RC	
	Min.	Max.
Residential Density (units per acre)		
Core Area	12.0	53.0
Support Area	6.0	20.0
Open Space (% of gross area) ¹		
Core Area	1.0	---
Support Area	2.0	---
Site Area		
Lot Area	See Sec. 7.1, Housing Types	
Height (feet)		
Core Area	24	75
Support Area	---	45

¹ Please see Sec. 12.5, Recreation land, for additional land dedication requirements that may apply.

2. Maximum density can be increased in accordance with paragraph 6.5.3, Residential Density, and/or Sec. 6.6, Affordable Housing Bonus.
3. Maximum height in the RC Support Area can be increased to 50 feet if the building is not within 150 feet of the perimeter of the Compact Neighborhood Tier where the Tier adjoins any property zoned and used for residential purposes.

B. Core and Support Area

1. Where a Compact Neighborhood Plan exists, the core and support area shall be as defined in such plan.
2. Where no plan exists, the following distances shall apply:
 - a. The core area shall be considered any site or portion of a site in the Compact Neighborhood Tier that lies no more than 1,250 feet from the station platform, measured in a straight line from the proposed or existing station platform; and
 - b. The support area shall be considered any site within the Compact Neighborhood Tier that lies outside the core area.

6.5.2 Permitted Housing Types

Residential uses allowed pursuant to Sec. 5.1, Use Table, shall be limited to the housing types permitted in accordance with the following table. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Housing Type	RC	
	Support Area	Core Area
Single-Family Detached	✓	1
Zero Lot Line House	✓	1
Traditional house	✓	1
Patio House	✓	1
Semi-Attached House	✓	1
Duplex	✓	1
Townhouse	✓	✓
Multiplex	✓	✓
Apartment	✓	✓

¹ May be permitted pursuant to a Neighborhood Protection Overlay or through Sec. 6.8, Infill Development in Residential Districts.

6.5.3 Residential Density

A. Maximum Residential Density

Residential density shall not exceed the maximum densities as set forth in paragraph 6.5.1A, Dimensional Standards, unless a project provides for vertical integration of uses with at least 65% of the total floor area allocated to residential uses and at least 75% of the ground floor allocated for nonresidential uses. Projects which meet this requirement may increase their residential density by up to 50%.

B. Lot Averaging

Lot area averaging, as more specifically set forth in Sec. 7.1, Housing Types, is permitted, provided that:

1. The maximum reduction allowed is 15% of the minimum lot area;
2. The average area of all lots in the subdivision meets or exceeds the minimum lot area; and
3. The overall density of the subdivision does not exceed the maximum permitted residential density.

- C. For single-family and two-family developments, the density requirements in paragraph 6.5.1A, Dimensional Standards, do not apply if the project does not require subdivision or site plan approval.

Sec. 6.6 Affordable Housing Bonus

6.6.1 Applicability

- A. This program can be utilized at the time of site plan or subdivision for new projects with a minimum of 15 dwelling units, or for projects adding at least 15 dwelling units to an existing development in any zoning district where residences are permitted.
- B. Projects must commit to providing affordable housing dwelling units in the amount of at least 15% of the maximum number of units permitted with the base density.

Example #1: If the zoning of a five-acre project allows 60 units/ acre, then 300 dwelling units are permitted. To qualify for a density bonus, at least 45 of the 300 dwelling units shall qualify as affordable housing dwelling units.

- C. Projects in which 100% of the residences are affordable housing dwelling units shall not be eligible for the affordable housing density bonus unless the project is within the Compact Neighborhood Tier.

6.6.2 Bonus Program

A. Residential Density

For the purpose of calculating the bonus residential density within projects utilizing the affordable housing bonus, the “base density” is the maximum density allowed in the zoning district prior to applying any potential bonuses, and multiplied by the gross acreage of the tract of land, including all areas typically excluded from density calculations in Article 8, Environmental Protection. The resulting number shall be rounded down to the nearest whole number.

1. Suburban and Urban Tiers

For each affordable housing dwelling unit that is constructed, a density bonus of one additional dwelling unit can be constructed beyond the base density.

Example #2: The project is in the Urban Tier, and 15% (i.e.: 45 units) of the 300 maximum units qualify as affordable housing dwelling units affordable. Thus, an additional 45 dwelling units are allowed above the maximum 300 units, totaling 345 dwelling units.

2. Compact Neighborhood Tier

For each affordable housing dwelling unit that is constructed, a density bonus of three additional dwelling units can be constructed beyond the base density.

Example #3: The five-acre project with a maximum allowed density of 60 units/acre allows for 300 units. Of the 300 units, 15% (or 45 units), qualify as affordable housing dwelling units. Thus, an additional 135 dwelling units are allowed above the 300 unit maximum, totaling 435 dwelling units.

B. Height

When the affordable housing bonus is utilized, additional height is allowed as follows:

- 1.** In all zoning districts except the Design Districts, an additional 15 feet shall be allowed.
- 2.** Within the Compact Design District, additional height shall be allowed in accordance with paragraph 6.12.4A.2, Building Height and Massing.
- C.** All of the affordable housing dwelling units shall be located within the overall project boundary. Affordable units shall be incorporated throughout the project, and shall not be distinguishable from market-rate units through location, grouping, or exterior design.
- D.** In single-family and duplex developments, required minimum lot sizes and yard requirements for lots internal to the project can be reduced up to 20% in order to incorporate the additional units.
- E.** Units added through this program shall not increase the amount of open space otherwise required for the project.
- F.** An annual report shall be provided by the project developer or manager to the Housing and Community Development Director for sites within the City's jurisdiction, or to the County Manager for sites within the County's jurisdiction, which identifies the incomes of persons residing in the affordable housing dwelling units, and the rents or initial sales price being charged, to verify the units qualify as affordable housing dwelling units.
- G.** Compliance measures can be required at the time of approval, including but not limited to contracts, restrictive covenants, deed restrictions, and stipulated penalties.

Sec. 6.7 Cluster Subdivision

6.7.1 Purpose

To encourage innovation in residential subdivision design, cluster subdivisions shall be permitted providing for more efficient layout of lots, streets, and utilities, for the preservation of open space and recreation areas, and for the protection of unique site features and scenic vistas. Cluster subdivisions shall permit reductions in lot area in exchange for equal amounts of open space on a one-to-one basis, subject to the following standards.

6.7.2 Minimum Site Area

The minimum acreage required for a cluster subdivision shall be four acres.

6.7.3 Maximum Density

The maximum density shall not exceed the maximum density permitted in the base district.

6.7.4 Housing Types

A variety of housing types shall be permitted in a Cluster Subdivision in accordance Sec. 7.1, Housing Types.

6.7.5 Open Space

- A. The subdivision shall include designated common open space as referenced below.

District	Open Space
RS Districts	See paragraph 6.3.1A
RU Districts	See paragraph 6.4.1
RC Districts	See paragraph 6.5.1A

- B. Open space in a clustered subdivision shall be established in accordance with Sec. 7.2, Open Space.

6.7.6 Perimeter Treatment

Property on the edge of cluster developments shall either:

- A. Be set aside in open space that includes a buffer with an opacity of 60%, as set forth in Article 9, Landscaping and Buffering; or
- B. Be platted as single-family residential lots as follows:
1. When adjacent to, or directly across a public right-of-way from, property that is not a cluster subdivision or is a conventional lot within a cluster subdivision, then the lot shall be platted with conventional subdivision dimensional requirements.
 2. When adjacent to, or directly across a public right-of-way from, property that is a cluster subdivision, and the adjacent property is open space or is a lot with reduced dimensional requirements due to clustering provisions of this or previous ordinances, then the lot can be platted with cluster subdivision dimensional requirements.

Sec. 6.8 Infill Development in Residential Districts

Commentary: In order to preserve the basic “feel” of a street, it is important that new construction complements existing construction and respects existing design elements that help define the public space.

6.8.1 Applicability

A. Suburban Tier

1. This section shall apply to any multifamily development located on a site of less than four acres that is surrounded on all sides by single-family residential development.
2. Neighborhood-specific modifications to the regulations listed in this section may be developed using the “Neighborhood Protection Overlay (-P)” pursuant to Sec. 4.6, Neighborhood Protection Overlay (-P).

B. Urban Tier

1. This section shall apply to any new project or modification of any existing building located on a site of less than four acres in a residential district.
2. Neighborhood-specific modifications to the regulations listed in this section may be developed using the “Neighborhood Protection Overlay (-P)” pursuant to Sec. 4.6, Neighborhood Protection Overlay (-P).

C. Compact Neighborhood Tier

This section can be used to permit the development of single-family detached houses as a transition to adjacent single-family uses in the Core Area of the RC District.

D. Nonresidential Development in Residential Districts

Infill standards shall not apply to the following uses.

1. Outdoor storage areas;
2. Outdoor sales;
3. Loading bays or loading areas.

6.8.2 Lot Width

The minimum width of a lot shall be the smaller of:

1. The average width of the adjacent lots fronting on the same linear block; or
2. The median of the widths for all other lots fronting on the same linear block.

6.8.3 Yards

A. Street Yards

The minimum street yard requirement shall be:

1. The average street yard of the two adjoining parcels (as defined by the distance between the primary structure on each property and the edge of the right-of-way), if both parcels are developed and share the same zoning district as the property proposed for development; or

2. The average street yard of all developed parcels (as defined by the distance between the primary structure on each property and the edge of the right-of-way) in the same block face as the property proposed for development, if either of the adjoining parcels is not developed and the block exceeds 500 linear feet; or
3. The average street yard for all developed parcels (as defined by the distance between the primary structure on each property and the edge of the right-of-way) in the same block face as the property proposed for development that also have the same zoning designation as the property proposed for development, if either of the adjoining parcels is not developed and the block is less than 500 linear feet.
4. **Corner Lots**
 - a. Each street yard shall be determined separately.
 - b. At the discretion of the applicant, the minimum street yard shall be either:
 - (1) The average street yard of the nearest two developed parcels (as defined by the distance between the primary structure on each property and the edge of the right-of-way) along the same block face and within the same zoning district; or
 - (2) The base zoning district requirement.
5. Alleys shall not be considered to create a new block. Parcels on the opposite side of an alley shall be consider adjacent or along the same block face, as applicable.

B. Side Yards

1. If the side wall of an existing structure is located on or within three feet of the property line, windows or other openings in the new structure that would allow for visibility into the side yard of the adjacent lot shall not be allowed unless a minimum 10-foot building separation is provided. Windows that do not allow visibility into the side yard of the adjacent lot, such as clerestory windows or translucent windows, shall be allowed.
2. Porte cocheres can extend into the side yard when incorporated into the design and construction of the primary structure, but in no case shall they be permitted to be closer than three feet from the property line.

C. Landscaping

Infill development shall continue the pattern of street yard trees that has been established on all lots within 150 feet of the property unless an intervening street exists prior to that distance, in which case the street location shall define the terminating point of the required street tree pattern. When new trees are planted, they shall be a variety that, at maturity will be similar in height, width, and form to existing trees in the context area.

6.8.4 Buildings**A. Context Area**

The context area for measurement of standards in this section shall be based on any principal buildings located on lots within 150 feet of the property line of the proposed site. Where an intervening street exists within this 150-foot distance, the street shall be considered the furthest extent of the context area (no measurements are required on neighboring blocks).

B. Building Width

New construction shall not exceed the average building width for existing residential structures in the context area by more than 25%, unless a building articulation of at least six feet in depth at a point that mimics the average building width in the context area is provided.

C. Building Height

The maximum height shall not exceed the height of the lesser of either of the following:

1. The maximum height permitted by the zoning district; or
2. More than 14 feet taller than the height of any adjacent structure, except for those portions of the new or modified structure that lie more than 25 feet from the adjacent structure.

D. Main Entrance

Every principal structure shall have a main entrance on a street other than an alley. On corner lots, the main entrance can face either street or can be oriented toward the corner. For buildings that have more than one main entrance (e.g., a duplex), only one main entrance shall be required to face a street.

E. Garages

1. Where an alley access is provided and developed, all vehicular access shall be taken from the alley.
2. When a garage entrance faces a street other than an alley, a single garage entrance shall be no more than 22 feet in width and such entrance shall be set back a minimum of 20 feet from the right-of-way or the average setback of the developed residential lots within the context area, whichever is greater.
3. The construction material of the garage shall match that of the primary structure.

6.8.5 Vehicular Use Areas**1. Residential**

Infill residential uses shall locate on-site parking to conform to the predominant location of parking in the context area established in subsection 6.8.4A, Context Area, or to the rear of the structure.

2. Nonresidential

- a.** On-site parking facilities shall not be located in any required street yard.
- b.** If parking facilities are located to the rear of the subject structure, a rear entrance to the structure shall be provided.

Sec. 6.9 Nonresidential and Group Living Development in Residential Districts

6.9.1 Dimensional Standards

- A. Nonresidential and group living development in residential districts shall comply with the dimensional standards in the following table:

	RURAL		SUBURBAN		URBAN		COMPACT	
Development Standard	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Lot Area (square feet)	3 ac.	---	15,000	---	5,000	---	5,000	---
Lot Width (feet)	100	---	90	---	50	---	50	---
Open Space (% of gross area) ¹	---	---	10	---	3	---	---	---
Core Area	---	---	---	---	---	---	1.0	---
Support Area	---	---	---	---	---	---	3.0	---
Street Yard								
Feet from ROW	50	---	25	---		20 ¹		15 ¹
% of Frontage	---	---	---	---	60	---	80	---
Side Yard (feet)								
Min Each Side	12	---	10	---	6	---	0	---
Min Both Sides (total)	30	---	24	---	15	---	0	---
Rear Yard (feet)	25	---	25	---	25	---	25	---
Building Coverage (%) ²	--	9	---	60	---	70	---	70
Height (feet)	---	45	---	45	---	45	---	45

¹ Street yard may be modified subject to paragraph 6.8.3A, Street Yards.

² May be further restricted by watershed regulations in accordance with paragraph 8.7.2B, Impervious Surface Limits.

B. Open Space Exemptions

- Principal uses listed in paragraph 5.2.4F, Parks and Open Areas, and paragraph 5.2.4J, Utilities, are exempt from the open space requirements in paragraph 6.9.1A above.
 - Development sites of an acre or less are exempt from the open space requirements in the table in paragraph 6.9.1A, above.
 - Recreational open space pursuant to paragraph 7.2.3A is not required for nonresidential and group living development in residential districts.
- C. Development in the Rural Villages of Bahama and Rougemont as designated in the *Comprehensive Plan* can use the Suburban Tier dimensional standards subject to Sec. 8.4, Floodplain and Flood Damage Protection Standards, Sec. 8.7, Watershed Protection Overlay Standards, and the availability of water and wastewater treatment systems.
- D. Development in Suburban Transit Areas as designated in the *Comprehensive Plan* can use the Compact Tier Support Area development standards subject to the availability of infrastructure to support them.

6.9.2 Building Separation

Where multiple structures are found on a single platted lot, such structures shall be separated by at least the following distances:

Standard	Separation Required (feet)
Building wall has primary entrance or exit	25
Building wall has secondary entrance or exit	20
Building wall has no entrance or exit	10

6.9.3 Recreation Areas

Recreation areas, such as a clubhouse, swimming pool, tennis, volleyball, or basketball court, shall be oriented internally to the development or along major roadways and away from adjacent residential development.

Sec. 6.10 Nonresidential District and Group Living Development Intensity

6.10.1 Nonresidential and Group Living Development Standards

A. Rural Tier

All nonresidential and group living development in the Rural Tier as designated in the *Comprehensive Plan* shall comply with the standards in the table below.

1. Standards for All Districts

Dimensional Standard	CN		CG		I	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (acres)	2	---	3	---	10	---
Project Floor Area (square feet)	---	20,000	---	50,000	---	---
Lot Width (feet)	100	---	150	---	250	---
Street Yard (feet)	25	---	25	---	40	---
Side Yard (feet)	25	---	25	---	50	---
Rear Yard (feet)	25	---	25	---	50	---
Building Coverage (%) ¹	---	23	---	35	---	30
Height (feet)	---	25	---	25	---	50

¹ Building coverage may be further restricted by the impervious surface requirements of paragraph 8.7.2B, Impervious Surface Limits.

- a. Minimum side yards in the CN and CG districts can be reduced to 15 feet if adjacent to a nonresidential district or use.
- b. Additional height in the I District, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- c. A development within the CN District, with new project floor area over 5,000 square feet, no development plan, and residential zoning districts adjacent (including directly across a public right-of-way) to two or more property lines requires a minor special use permit pursuant to Sec. 3.9, Special Use Permit. The applicant shall hold a neighborhood meeting pursuant to paragraph 3.2.3, Neighborhood Meeting, unless it previously held one for the development at issue.

B. Suburban Tier

All nonresidential and group living development in the Suburban Tier as designated in the *Comprehensive Plan* shall comply with the standards in the tables below.

1. Standards for the CN, OI, and CG Districts

Dimensional Standard	CN		OI		CG	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (square feet)	5,000	---	20,000	---	20,000	---
Project Floor Area (square feet)	---	20,000	---	---	---	---
Lot Width (feet)	50	---	60	---	100	---
Street Yard (feet)	25	---	25	---	25	---
Side Yard (feet)	15	---	20	---	25	---
Rear Yard (feet)	25	---	25	---	25	---
Building Coverage (%) ¹	---	60	---	60	---	60
Height (feet)	---	35	---	50	---	50

¹ Building coverage may be further restricted by the impervious surface requirements of paragraph 8.7.2B, Impervious Surface Limits.

- a. Side yards in the OI and CG districts can be reduced by up to 50% if adjacent to a nonresidential district or use, or a railroad right-of-way.
- b. Rear yards in the table above can be reduced by up to 50% if adjacent to a nonresidential district or use, or a railroad right-of-way.
- c. Additional height in the OI District, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- d. A development within the CN district, with new project floor area over 5,000 square feet, no development plan, and residential zoning districts adjacent (including directly across a public right-of-way) to two or more property lines requires a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit. The applicant shall hold a neighborhood meeting pursuant to paragraph 3.2.3, Neighborhood Meeting, unless it previously held one for the development at issue.

2. Standards for the SRP, IL, and I Districts

Dimensional Standard	SRP		IL		I	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (square feet)	---	---	25,000	---	30,000	---
Lot Width (feet)	300	---	100	---	150	---
Street Yard (feet)	100	---	40	---	40	---
Side Yard (feet)	100	---	30	---	50	---
Rear Yard (feet)	100	---	25	---	40	---
Building Coverage (%) ¹	---	15	---	60	---	65
Height (feet)	---	120	---	50	---	90

¹ Building coverage may be further restricted by the impervious surface requirements of paragraph 8.7.2B, Impervious Surface Limits.

- a. Within the SRP District:
 - (1) The street yard shall only apply to yards adjacent to public rights-of-way.
 - (2) Side and rear yards can be eliminated if adjacent to a railroad right of way, or can be reduced to 30 feet if adjacent to permanently protected open space and the building separation is at least 150 feet.

- (3) No parking, loading, or storage shall be permitted within the required yard areas.
 - (4) The maximum building coverage shall not apply to parking structures.
 - b. Side yards in the IL and I districts can be reduced by 10 feet if adjacent to a nonresidential district or use.
 - c. Rear yards in the IL and I districts can be reduced by up to 50% if adjacent to a railroad right-of-way.
 - d. Additional height, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
3. Development in the Rural Villages of Bahama and Rougemont, as designated in the *Comprehensive Plan*, can use the Suburban Tier dimensional standards subject to Sec. 8.4, Floodplain and Flood Damage Protection Standards, Sec. 8.7, Watershed Protection Overlay Standards, and the availability of water and wastewater treatment systems.
4. **(County Only) SRP-C District**
- a. **Establishment of the District**
 - (1) A minimum of 25 contiguous acres shall be required for an initial establishment of the zoning for a SRP-C District;
 - (2) At least 75% of the district's perimeter must be adjacent to property zoned SRP, and such property shall be considered the supporting SRP District;
 - (3) No SRP District may support more than one SRP-C district;
 - (4) Additions shall be contiguous to the existing SRP-C District and may be made in increments of any size so long as the 75% perimeter minimum for the entire zoning area is maintained; and
 - (5) The maximum acreage of a SRP-C District shall be no more than one-third the contiguous acreage of the supporting SRP district.
 - b. **Mix of Uses**

The SRP-C District shall consist of a mix of uses from at least three of the following use categories, and pursuant to Sec. 5.1, Use Table: residential, public and civic, commercial, office, and industrial uses.
 - c. **Dimensional Standards**

The dimensional standards, and supplemental requirements to the dimensional standards, are as follows.

Dimensional Standard	SRP-C	
	Min.	Max.
Street Yard (feet)	20	--
Side Yard (feet)	20	--
Rear Yard (feet)	20	--
Building Coverage (%) ¹	--	60
Height (feet)	--	300

¹ Building coverage may be further restricted by the impervious surface requirements of paragraph 8.7.2B, Impervious Surface Limits.

- (1) Minimum street yards do not apply to rights-of-way internal to the SRP-C District.
- (2) Minimum side and rear yards shall only apply when adjacent to property not zoned SRP or SRP-C.
- (3) No parking, loading or storage shall be permitted within the required yard areas.
- (4) Buildings with frontage along a public right-of-way shall have a maximum podium height equal to the width of the right-of-way. Additional height is permitted with upper story step-backs, as measured from the right-of-way line; where x feet of step-back allows 2x feet of additional height.
- (5) Buildings proposed adjacent to property zoned residential shall have a maximum height of 100 feet. Additional height may be approved with approval of a major special use permit pursuant to Sec. 3.9, Special Use Permit.
- (6) The maximum building coverage shall not apply to parking structures.
- (7) The maximum building coverage shall be calculated based upon the gross area of the contiguous SRP-C District.

d. Additional Standards

- (1) Minimum ground floor glazing for building facades facing rights-of-way shall be 50% for all nonresidential uses and 30% for residential uses.
- (2) Parking decks shall provide openings for each level of the facade facing a right-of-way at a minimum rate of 30% of the façade.
- (3) Standards of Sec. 7.4, Outdoor Lighting, shall not apply so long as the maximum illumination at the edge of an SRP-C district does not exceed the limits pursuant to paragraph 7.4.3, Standards.

C. Urban Tier

All nonresidential and group living development in the Urban Tier, as designated in the *Comprehensive Plan*, shall comply with the standards in the tables below.

1. Standards for the CI District

Dimensional Standard	CI	
	Min.	Max.
Lot Area	---	20,000
Street Yard from Back of Curb (feet)	5	15
Side Yard (feet)	---	10
Rear Yard (feet)	10	---
Height (feet)	---	35

- a. Buildings greater than 20,000 square feet are allowed in the CI District if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- b. Additional height in the CI District, up to 50 feet, is allowed if the building uses upper story step-backs at a ratio of one to one.
- c. Minimum ground floor glazing for building facades facing street frontages shall be 60% for all nonresidential uses and 50% for residential uses.
- d. Where the right-of-way line is further from the curb than the maximum street yard, the right-of-way line shall be the required maximum street yard; structures shall not be allowed in the public right-of-way.

2. Standards for the CN, OI, and CG Districts

Dimensional Standard	CN		OI		CG	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (square feet)	5,000	---	20,000	---	20,000	---
Project Floor Area (square feet)	---	20,000	---	---	---	---
Lot Width (feet)	50	---	50	---	100	---
Street Yard ¹ From ROW (feet)	---	15	---	15	---	15
Side Yard (feet)	10	---	10	---	15	---
Rear Yard (feet)	25	---	25	---	25	---
Building Coverage (%) ²	---	60	---	60	---	60
Height (feet)	---	35	---	90	---	50

¹Street yard may be modified using the provisions of paragraph 6.10.1E, Street Yard Variations.

²Building coverage may be further restricted by the impervious surface requirements of paragraph 8.7.2B, Impervious Surface Limits.

- a. Structure(s) shall be oriented such that at least one of the following standards is met:
 - (1) The longest building facade is parallel to and within the maximum street yard; or
 - (2) The street-facing building facade occupies at least 60% of the total street frontage for the development.
- b. Rear yards can be reduced by up to 50% if adjacent to a railroad right-of-way.
- c. Minimum ground floor glazing for building facades facing street frontages shall be 60% for all nonresidential uses and 50% for residential uses.
- d. A development within the CN District with new project floor area over 5,000 square feet, no development plan, and residential zoning districts adjacent (including directly across a public right-of-way) to two or more property lines requires a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit. The applicant shall hold a neighborhood meeting pursuant to paragraph 3.2.3, Neighborhood Meeting, unless it previously held one for the development at issue.

3. Standards for the IL and I Districts

Dimensional Standard	IL		I	
	Min.	Max.	Min.	Max.
Site Area (square feet)	5,000	---	25,000	---
Lot Width (feet)	50	---	100	---
Street Yard				
From ROW (feet)	---	20 ¹	40	---
Side Yard (feet)	15	---	40	---
Rear Yard (feet)	25	---	40	---
Building Coverage (%)	---	60	---	65 ²
Height (feet)	---	50	---	90

¹ Street yard may be modified using the provisions of paragraph 6.10.1E, Street Yard Variations.

² Building coverage may be further restricted by the impervious surface requirements of paragraph 8.7.2B, Impervious Surface Limits.

- a. In the IL District, structure(s) shall be oriented such that at least one of the following standards is met:
 - (1) The longest building facade is parallel to and within the maximum street yard; or
 - (2) The street-facing building facade occupies at least 60% of the total street frontage for the development.
- b. Rear yards can be reduced by up to 50% if adjacent to a railroad right-of-way.
- c. Additional height, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

D. Compact Neighborhood Tier

All nonresidential and group living development in the Compact Neighborhood Tier, as designated in the *Comprehensive Plan*, except development within CD districts, shall comply with the standards in the tables below.

1. Standards for the CI District

Dimensional Standard	CI	
	Min.	Max.
Lot Area	---	20,000
Street Yard from Back of Curb (feet)	5	15
Side Yard (feet)	---	10
Rear Yard (feet)	10	---
Height (feet)	---	35

- a. Buildings greater than 20,000 square feet are allowed in the CI District if approved through a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- b. Additional height in the CI District, up to 50 feet, is allowed if the building uses upper story step-backs at a ratio of one-to-one.

- c. Minimum ground floor glazing for building facades facing street frontages shall be 60% for all nonresidential uses and 50% for residential uses.
- d. Where the right-of-way line is further from the curb than the maximum street yard, the right-of-way line shall be the required maximum street yard; structures shall not be allowed in the public right-of-way.

2. Standards for the CN and OI Districts

Dimensional Standard	CN		OI	
	Min.	Max.	Min.	Max.
Project Floor Area (square feet)	---	20,000	---	---
Lot Width (feet)	50	---	50	---
Street Yard ¹				
From ROW (feet)	---	15	---	15
Side Yard (feet)	10	---	10	---
Rear Yard (feet)	15	---	15	---
Height (feet)	---	35	---	120

¹ Street yard may be modified using the provisions of paragraph 6.10.1E, Street Yard Variations.

- a. Structure(s) shall be oriented such that at least one of the following standards is met:
 - (1) The longest building facade is parallel to and within the maximum street yard; or
 - (2) The street-facing building facade occupies at least 60% of the total street frontage for the development.
- b. Additional height in the OI District, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- c. Height in the OI District shall be capped at 45 feet for any structures located within 150 feet of the perimeter of the Compact Neighborhood Tier where the Tier adjoins residentially used and designated property.
- d. A development within the CN District with new project floor area over 5,000 square feet, no development plan, and residential zoning districts adjacent (including directly across a public right-of-way) to two or more property lines requires a minor special use permit pursuant to Sec. 3.9, Special Use Permit. The applicant shall hold a neighborhood meeting pursuant to paragraph 3.2.3, Neighborhood Meeting, unless it previously held one for the development at issue.

3. Standards for the CG and IL Districts

Dimensional Standard	CG		IL	
	Min.	Max.	Min.	Max.
Lot Width (feet)	50	---	50	---
Street Yard ¹				
From ROW (feet)	---	15	---	15
Side Yard (feet)	10	---	15	---
Rear Yard (feet)	15	---	15	---
Height (feet)	---	90	---	50

¹ Street yard may be modified using the provisions of paragraph 6.10.1E, Street Yard Variations.

- a. Structure(s) shall be oriented such that at least one of the following standards is met:
 - (1) The longest building facade is parallel to and within the maximum street yard; or
 - (2) The street-facing building facade occupies at least 60% of the total street frontage for the development.
- b. Additional height in the CG District, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- c. Height shall be capped at 45 feet for any structures located within 150 feet of the perimeter of the Compact Neighborhood Tier where the Tier adjoins residentially used and designated property.
- d. Subject to the restriction in paragraph 6.10.1D.3.c above, OI uses allowed in IL districts located in the Compact Neighborhood Tier shall have a maximum height limit of 60 feet permitted by right. Additional height up to 75 feet is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- e. Subject to the restriction in paragraph 6.10.1D.3.c above, and notwithstanding paragraph 6.10.1D.3.d above, hotel, motel, and extended stay uses; places of worship; government facilities (excluding correctional facilities) and lodges and clubs allowed in IL districts located in the Compact Neighborhood Tier shall have a maximum height limit of 80 feet permitted by right. Additional height up to 95 feet is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

E. Street Yard Alternatives

A new structure or modifications to an existing structure shall not be required to conform to the street yard requirements of the district in the following circumstances:

1. Where 50% or more of the lots on the same linear block as the lot in question are developed with less than the required street yard, the average setback of the buildings on the developed lots on the block with less than the required street yard shall be observed as the minimum setback for a new structure;

2. Where the lot on which the new structure is proposed is between two adjacent existing developed lots with less than the required street yard, the average setback of the buildings of both adjacent lots shall be observed as the minimum street yard;
3. Where a linear block of less than 500 feet is split into more than one zoning district, the zoning district with the most frontage shall determine the minimum street yard setback. However, this provision shall not apply if the street right-of-way is less than 50 feet wide and property on the opposite side of the street is residentially used or zoned, in which case the provisions of paragraph 6.8.3A, Street Yards, shall be applied;
4. In the Urban and Compact Neighborhood tiers, excluding Design Districts, the applicable street yard of a multiple-frontage lot shall be applied to the frontage with the predominant orientation of existing structures along the blockface. The other frontage shall be considered a side or rear as applicable; or
5. In the Urban and Compact Neighborhood tiers, except within CD districts, the maximum street yard shall be considered a minimum street yard for the following primary uses:
 - a. Fuel sales.
 - b. Vehicle sales.

6.10.2 Residential Development in Nonresidential Districts

A. Permitted Housing Types and Other Residential Development

1. The following residential development shall be allowed as indicated with a "✓".

Zoning District	Residential Development Allowed				
	Single-Family Detached House (paragraph 7.1.2)	Townhouse (paragraph 7.1.8)	Multiplex (paragraph 7.1.9)	Apartment (paragraph 7.1.10)	Upper Story Residential
CI, CG, OI	--	✓	✓	✓	✓
CN	✓	✓	✓	✓	✓
(County Only) SRP-C	--	✓	✓	✓	✓

2. For a Single-Family Detached House, the following zoning district development standards pursuant to paragraph 6.2.1, Development Standards, or paragraph 7.1.2B, Development Standards, as applicable, shall apply:

Tier of the Development Site	Applicable Zoning District Development Standard
Rural	RR (watershed and non-watershed, as applicable)
Suburban	RS-M
Urban	RU-M
Compact Neighborhood	RC

3. For all other residential development, the development standards applicable to the housing type, or the base zoning district for upper story residential, shall apply.

4. Height for Housing Types

- a. The maximum height for the housing type shall be as follows:

Tier of the Development Site	Maximum Height, in feet	
	Single-Family Detached House	All other Allowed Housing Types
Rural and Suburban	35	Height as allowed for the RS-M District per paragraph 6.3.1A, Dimensional Standards
Urban	35	Height as allowed for the RU-M District per paragraph 6.4.1A, Dimensional Standards
Compact Neighborhood	35	Height as allowed for the RC District per paragraph 6.5.1A, Dimensional Standards

- b. For Single-family detached house, additional height is allowed at a rate of one foot per one foot of additional setback provided, with a maximum height of 45 feet.
5. Street level residential development shall not be allowed in the CI District, except for townhomes.
6. (County Only) The development standards for the SRP-C District shall apply to all residential development.

B. Residential Density

1. The residential density shall be based only on that portion of the tract dedicated to the residential use and the maximum residential density (shown as units per acre) allowed shall be as shown in the table below:

District	Rural	Suburban	Urban	Compact
CI	---	---	14 ^{1,2}	14 ^{1,2}
CN	0.2	8 ^{1,3}	11 ^{1,2}	14 ^{1,2}
OI	---	11 ^{1,3}	14 ^{1,2}	18 ^{1,2}
CG	0.2	11 ^{1,3}	14 ^{1,2}	18 ^{1,2}
(County Only) SRP-C	---	20 ⁴	---	---

¹ Density can be increased through use of the Sec. 6.6, Affordable Housing Bonus.

² Density can be increased through use of the options available under paragraph 6.4.3, Residential Density.

³ For multifamily development, density can be increased through use of paragraph 6.3.3B, RS-M District Major Roadway Density Bonus.

⁴ Density in the SRP-C District can be calculated based upon the gross area of the contiguous district, including areas typically precluded from consideration for density in Article 8, Environmental Protection.

2. Density limits shall not apply to upper story residential units in the CI District.

C. Open Space

Open space shall be provided in all residential developments within nonresidential districts pursuant to the table below. (County Only) Required open space within the SRP-C District can be provided anywhere within the contiguous district area.

Tier	Open Space
Rural and Suburban	18% of gross area
Urban	6% of gross area
Compact Neighborhood	Core – 2% of gross area Support – 5% of gross area

Sec. 6.11 Planned Districts

6.11.1 Purpose

Planned districts shall be established to allow for design flexibility and to encourage efficient use of land and public services and high quality design. These regulations are intended to allow innovative development that is integrated with proposed adjacent uses and compatible with existing patterns of nearby development.

6.11.2 General Requirements

- A.** A development plan meeting the requirements of paragraph 3.5.6, Development Plan, shall be required as part of the zoning map change application to any planned district, except in the UC and UC-2 districts as indicated below.
- B.** The initial zonings to establish the UC and UC-2 districts on each campus, which shall be initiated by the appropriate governing body for each university/college campus, shall not require a development plan, though the university or college can submit a development plan providing additional details and restrictions beyond minimum Ordinance requirements, for all or parts of the area associated with the initial zoning map change. A basic zoning map change application shall be required for the initial zoning map change, along with documentation on the availability of adequate parking and a limited surcharge fee to cover public notification requirements.
- C.** Except in the MU District, uses shall be permitted only in the location shown on the approved development plan. Development of the property shall not begin until a site plan has been approved for that portion of the property. Site plans shall be reviewed for conformance with an approved development plan. Should alterations or changes represent a substantial departure from the approved plan, an amendment is required. The same procedures as required for the original approval shall be required for development plan amendments.
- D.** Unless alternative standards are explicitly established in the provisions below, all relevant standards and provisions of this Ordinance shall apply to development within any planned district.

6.11.3 Planned Development Residential (PDR)

A. Uses

- 1.** The primary use allowed within the PDR District shall be residences, including manufactured homes.
- 2.** Manufactured homes shall be permitted only where they have been expressly indicated on the approved development plan. Manufactured house subdivisions and parks shall be designated as such on the development plan and show lot layouts and the orientation of the house to the street in the development plans.
- 3.** Nonresidential uses allowed in the PDR District shall be limited to those uses listed in the Sec. 5.1, Use Table. Nonresidential uses can be approved subject to the use limitations established in Sec. 5.3, Limited Use Standards, and the following conditions.

- a. Except for Public and Civic uses pursuant to Sec. 5.1, Use Table, the development shall provide for at least 100 dwelling units. When both nonresidential and residential uses are proposed:
 - (1) The dwelling units can be separate structures from the nonresidential uses or located in the same structure as the nonresidential uses.
 - (2) To assure that commercial and office uses are supportive of the PDR project, Certificates of Compliance shall be issued for at least 25% of the residential units before Certificates of Compliance are issued for the commercial or office uses. This requirement shall not apply when residences are located in the same building as the commercial or office uses.
- b. Nonresidential acreage shall not be included in any calculations of residential density.
- c. The building heights, location, orientation, and building-to-building spacing, shall be specified in the development plan.
- d. Nonresidential uses shall be located with street access deemed adequate by the City Transportation Department.
- e. Nonresidential square footage shall promote a range of services for residents. Except for Public and Civic uses pursuant to Sec. 5.1, Use Table, the nonresidential component within a PDR shall not exceed 50,000 square feet and shall be devoted to more than one business.

B. Dimensional Requirements

1. Site Area

- a. The minimum area required for the initial approval of the zoning district shall be as follows:
 - (1) Within the Urban Tier, a minimum of two contiguous acres shall be required.
 - (2) Within the Suburban Tier, a minimum of four contiguous acres shall be required.
- b. Additions to an existing approved PDR can be made in increments of any size.

2. Minimum Lot Area

- a. No minimum lot area shall be required to be specified.
- b. Lot areas described on a development plan may be increased by the appropriate State agency or County Health Department in order to ensure adequate waste treatment.

C. Intensity

1. Residential Density

The specific maximum density in units per acre, other than the areas proposed for nonresidential development and areas precluded from consideration for density in paragraphs 8.3.1C.5, Tree Coverage Calculation Exclusions ; 8.4.4, Development in

Special Flood Hazard Areas and Future Conditions Flood Hazard Areas; 8.5.9, Lots and Density Credits; and 8.8.5, Density Credits, shall be included in the application. The allowable density shall be consistent with the land use designation shown in the *Comprehensive Plan*.

2. Nonresidential Intensity

The maximum nonresidential intensity shall reflect the CN and/or OI intensity, as appropriate, consistent with Sec. 6.10, Nonresidential District Development Intensity, for the tier in which the project is located.

3. Height

Maximum building height shall be 90 feet. Any building over 35 feet shall be identified on the development plan submitted for approval.

D. Building Orientation

1. Single-Family Detached

The building envelope for each lot shall be shown on the recorded plat.

2. Building Separation

- a. Unless alternative building separation standards are established in Article 7, Design Standards, the minimum building separation shall be as follows:

Height of Taller Building	Distance Between Vertical Projections
Under 35 feet	10 feet
35.1 to 40.0 feet	30 feet
40.1 to 50.0 feet	60 feet
50.1 to 85.0 feet	70 feet
85.1 to 90.0 feet	80 feet

To determine the separation required, the vertical projections for each building shall be drawn from that point on each building that is horizontally closest to the other building.

- b. Manufactured homes in parks shall maintain a distance of at least 16 feet between other manufactured homes. Added on rooms, porches, and other structures attached to the manufactured home shall be considered part of the manufactured home.
- c. The governing body can reduce separations after consideration of the general bulk and scale in comparison with nearby development. Such modification shall only occur in conjunction with the approval of the development plan.

3. Building Articulation

In order to provide diversity and to avoid long rows of attached dwellings, no more than four contiguous townhouse units shall be allowed with the same setback. Variations in setback must be at least three feet.

E. Yards

1. Street Yards

No building shall be erected, reconstructed, altered or moved nearer to the property line along the street on which such building faces than is indicated in the following table.

Residential Density	Minimum Street Yard
1.0 to 8.0 units per acre	8 feet
8.1 to 16.0 units per acre	15 feet
More than 16.0 units per acre	25 feet

2. Side and Rear Yards

a. Residential Uses

No minimum side or rear yards shall be required although building separations established above shall be maintained.

b. Nonresidential Uses

When a retail or office component of the PDR shares a common boundary with a residential component of the PDR, side and rear yards of at least 30 feet shall be provided between the nonresidential and residential areas. This requirement shall not apply if the residential uses are within the same building as the retail or office uses.

Interpretation: PUD/PDR site plans approved prior to 1994 continue to use the property line setbacks for PUD/PDRs approved prior to the effective date of the Merged Durham Zoning Ordinance (1/1/94). These setbacks are called out either dimensionally on the site plans or in a special conditions box.

F. Open Space

1. Required open space shall be provided based upon the density of the project as follows:

Residential Density	Percent of Gross Area
0 to 3.00 units per acre	15
3.01 to 6.00 units per acre	16
6.01 to 10.00 units per acre	17
10.01 to 16.00 units per acre	18
16.01 to 25.00 units per acre	20

2. Uses of open space shall be as defined in Sec. 7.2, Open Space.

G. Landscaping

Blank walls visible from the street shall be buffered with plantings. Landscaping improvements meeting the same requirements as the landscaping required for vehicle use areas with exposure to the street established in Sec. 9.8, Vehicular Use Area Landscaping, shall be provided for all blank walls exceeding 50 feet in length.

H. Parking

At least 30% of the parking spaces required for nonresidential uses shall be located to the side or rear of nonresidential structures within any PDR.

I. Sidewalks

In addition to meeting all of the requirements of Sec. 12.4, Pedestrian and Bicycle Mobility, sidewalks shall be provided between the retail and office uses and the dwelling units within any PDR.

6.11.4 University and College Districts (UC and UC-2)

Unless specifically differentiated, all requirements that refer to the UC District apply to both the UC and UC-2 districts.

A. Uses

1. The primary use allowed in a UC district shall be colleges and universities and such ancillary uses as are typically associated with a university or college that are customary and subordinate to the primary educational function of the university or college use, including dormitories, stadia, enclosed arenas, auditoriums, and museums.
2. Other uses shall be limited to those uses listed in paragraph 5.1.2, Use Table, that can demonstrate a direct relationship to an academic use, such as university medical center uses, including teaching hospitals, medical schools, nursing schools, biomedical research facilities, and support space.

B. Zoning Map Change

1. Initial Establishment of the Zoning District

A university or college may elect to have all or parts of its campus covered in the initial establishment of the zoning district, so long as those areas are covered by the appropriate campus master plan. For the UC District, no areas of the campus that were not under the direct control of the university prior to January 1, 2002, shall be included in the initial establishment of the zoning district. For the UC-2 District, no areas of the campus that were not under the direct control of the university or college prior to January 1, 2010, shall be included in the initial establishment of the zoning district.

2. Subsequent Zoning Map Change

Any property included as part of a university or college campus in a campus master plan can be included in a UC district. A campus master plan shall be submitted to the Planning Department prior to any zoning map change submittal. Such campus master plans shall be viewed as illustrative in nature and can be updated, in whole or in part, at any time.

C. Campus Areas

1. Transitional Use Area

A Transitional Use Area shall be designed to establish standards at the edges of the campus that minimize any adverse impacts of proposed development on adjacent properties.

- a. For the UC District, standards shall be applicable to a 150-foot wide area at the boundaries of the UC District. Where applicable, the Transitional Use Area shall be measured from the midpoint of public right-of-way adjacent to the edge of the district. If a public right-of-way is wider than 200 feet, and contains no existing or planned structures, then a Transitional Use Area shall not be required.
- b. For the UC-2 District, standards shall be applicable to a 75-foot-wide area at the boundaries of the UC-2 District. Where the edge of the zoning district is within or adjacent to a public right-of-way, the Transitional Use Area shall be measured from the midpoint of the right-of-way. Where the edge of the zoning district is not within or adjacent to a right-of-way, the Transitional Use Area shall be measured from the property line or exact location of the edge of the district.

2. Internal Campus

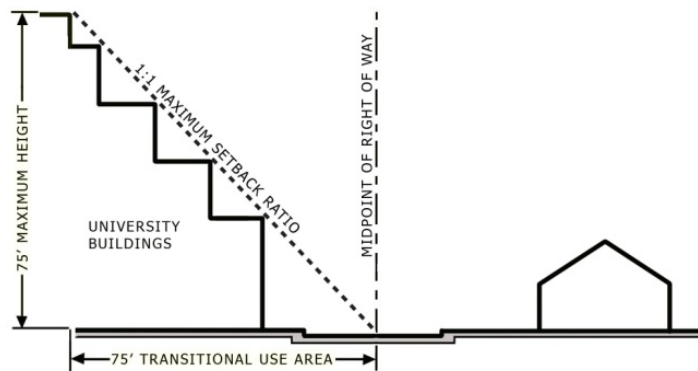
- a. All areas of each university or college within a UC district that are not included within a Transitional Use Area shall be considered to be within the Internal Campus.
- b. Within the Internal Campus, only limited regulations shall apply, as indicated below.

D. Height

1. Transitional Use Area

The maximum height of a structure within the Transitional Use Area shall be regulated as follows:

- a. Within the UC District, building height shall not exceed 150% of the average height of buildings on adjacent properties (including those directly across a public right-of-way), to a maximum of 100 feet. In calculating the average height for the adjacent buildings, the following considerations shall be included: maximum permitted heights for developable vacant lots; the taller of buildings in front or behind each other; and included within 150 feet of the perimeter transition area. Heights shall not be increased beyond 150% of average surrounding heights unless a major special use permit is approved in accordance with Sec. 3.9, Special Use Permit, in which case the height may be increased up to a maximum of 145 feet.
- b. Within the UC-2 District, building height shall not exceed the distance to the edge of the district (which is the mid-point of the right-of-way if the edge of the district is a public street), to a maximum of 75 feet. The ratio of building height to distance from the edge of the district shall be no more than 1:1 (see diagram below). Heights shall not be increased beyond this limit unless a major special use permit is approved in accordance with Sec. 3.9, Special Use Permit, in which case the height may be increased up to a maximum of 120 feet.



2. Internal Campus

The maximum height of a structure shall be 120 feet, unless a major special use permit is approved in accordance with Sec. 3.9, Special Use Permit, in which case the height may be increased up to a maximum of 145 feet.

E. Architectural Standards

1. Transitional Use Area

- a. For new development, documentation shall be required that demonstrates architectural and site design compatibility with adjacent buildings and sites, considering the following criteria:

- (1) Roof type, including extent of eaves and eave ornamentation, if any;
- (2) Articulation of the facades, including details, massing, and rhythm, associated with the architectural styles adjacent to the district;
- (3) Facade materials; and
- (4) Size, pattern, style, and location of windows and doors.

This documentation shall be submitted with the site plan for each proposed development within the Transitional Use Area.

- b. Each building shall have a direct orientation and entryway facing a street. Articulation of any side of a building facing a street at the perimeter of a UC district shall be similar in expression and articulation to the primary facade.

2. Internal Campus

Specific architectural standards shall not apply, unless shown as committed elements on a development plan.

F. Outdoor Lighting

1. Transitional Use Area

Within a Transitional Use Area, all standards of Sec. 7.4, Outdoor Lighting, shall apply except that new athletic fields shall not be illuminated after 11:00 p.m.

2. Internal Campus

Within the Internal Campus, the standards of Sec. 7.4, Outdoor Lighting, shall not apply so long as the maximum illumination at the edge of a UC district does not exceed the limits imposed by paragraph 7.4.3, Standards.

G. Environmental Standards

All applicable environmental standards of Article 8, Environmental Protection, shall apply within the UC or UC-2 districts.

H. Landscaping

1. General

a. Transitional Use Area

Within a Transitional Use Area, landscaping shall be provided in accordance with Article 9, Landscaping and Buffering, so as to ensure compatibility with adjacent properties.

b. Internal Campus

Other than street trees pursuant to Sec. 9.6. Street Trees, no specific landscaping requirements shall apply.

2. Vehicular Use Areas

In the Transitional Use Area, surface parking lots shall not be located immediately adjacent to or across from properties zoned residential unless separated from the street by a landscaped area equivalent to the average street yard of existing buildings or parking lots on adjacent properties.

I. Parking

- 1.** The required number and location of motorized and bicycle parking spaces shall be tied to the university or college's documentation of adequate parking availability during peak periods of typical academic days. In order to document that there are adequate parking facilities, a plan from each university or college covered by a UC district shall be filed with the City-County Planning Department and reviewed and approved by the Planning Director or designee.

The following information shall be provided in the plan:

- a.** A map depicting the location of parking lots within the UC District and those outside the UC District which are utilized to satisfy parking requirements.
- b.** An inventory of the number of parking spaces, per parking lot or structure, including the type of parking spaces (compact, handicap accessible, reserved, visitor, etc.). Totals shall be provided for sub-areas as well as district-wide. Parking can include spaces located outside the UC District that are controlled by the university or college, as long as that parking serves the UC District.
- c.** A report indicating the typical maximum occupancy of each parking lot or structure at typical peak-period. Data shall distinguish between permit-parking and visitor parking. The occupancy data shall be collected within six months of the date of plan submittal and shall include the date(s) and time(s) of the data collection.

- d. The inventory of bicycle parking spaces within the UC District, indicating the total number of spaces within each section or sub-area within the campus, as well as district-wide. General locations of bicycle parking spaces shall be identified on a map.
 - e. A summary report describing any Traffic Demand Management (TDM) programs operated by the university or college within a UC District.
 - f. A report indicating any changes in enrollment and employment by the University or college within a UC District since the last plan update and any projected changes within the next four years.
 - g. A summary report indicating the availability of the following within a UC District:
 - (1) Sidewalk connectivity;
 - (2) Transit and remote parking services; and
 - (3) Bicycling amenities.
- 2. The documentation shall demonstrate that the following minimum standards are met:
 - a. The vacancy rate for total, district-wide motorized parking shall be at least 10%.
 - b. The individual vacancy rates for total parking and visitor parking within each sub-area shall be at least 5%.
 - c. The total number of bicycle parking spaces shall be at least 10% of total motorized parking district-wide; and at least 5% or two parking spaces, whichever is greater, within each sub-area.
- 3. If a sub-area does not meet the minimum parking standards, any proposed development in that sub-area that requires a site plan, except for the following exemptions, shall include motor vehicle and/or bicycle parking, as applicable, to lessen the deficiency.
 - a. In lieu of providing additional motor vehicle parking, documentation of new or revised remote parking facilities that remove or lessen the deficiency, but do not create new deficiencies elsewhere, can be provided.
 - b. Exemptions from providing any additional parking consist of the following improvements:
 - (1) Unmanned facilities of less than 1,000 square feet, such as storage rooms, mechanical equipment, coolers, or stand-alone ice kiosks;
 - (2) Buildings or additions of less than 1,000 square feet of building area;
 - (3) Improvements that are documented to solely bring existing facilities up to current health, safety, or building code requirements;
 - (4) Grading and/or utility improvements for sewer or water service; or
 - (5) Any site plan submittal that only requires review by the Planning Department.

4. If a college or university has provided documentation of TDM programs, then the minimum motor vehicle vacancy rates shall be reduced by 1%.
5. Sub-areas shall be geographically and functionally cohesive. Remote parking can be identified as serving a sub-area.
6. Approved parking plans shall be valid for a four-year period.
7. Parking requirements pursuant to paragraph 10.3.1, Required Motorized Vehicle and Bicycle Parking, are not required for site plans in a UC district if an approved, valid parking plan is in place. If there is not an approved, valid parking plan in effect at the time a development approval is requested by an institution, the parking requirements of Sec. 10.3, Required Parking, shall be applied. Alternatively, processing of the requested development approval may be delayed until a new parking plan is approved.

J. Signage

1. Transitional Use Area

All applicable standards of Article 11, Sign Standards, shall apply.

2. Internal Campus

The standards of Sec. 11.8, Elements of Common and Way-Finding Signage Plans, shall not apply.

K. Solid Waste

The requirements of Chapter 58 of the City Code, Solid Waste Collection and Disposal, may be modified on projects within a UC district if the college or university has filed a solid waste master plan with the City and that plan has been approved by the Solid Waste Director or designee.

L. Infrastructure

1. Road Improvements

a. Traffic Impact Analysis

- (1) A traffic impact analysis consistent with the requirements of Sec. 3.3, Traffic Impact Analysis, shall be required with or in advance of site plan approval of projects utilizing a UC district when appropriate thresholds are reached.
- (2) Within the City, this analysis may be included at the time of zoning map changes to a UC district initiated by the university or college or in advance of site plan submittals. If provided after the zoning map change, a single TIA, at the applicant's discretion, may reflect development throughout a UC district, for identified areas within a UC district, or be provided on a site plan specific basis.

b. Road Improvements (City only)

If the applicant performs the TIA utilizing any option other than the site plan specific basis, the university or college may submit a proposed implementation schedule for the provision of required road improvements, with the improvements tied to specific dates rather than specific projects. Such an

implementation schedule shall be reviewed and, if approved by the City, shall be used to govern the timing of all required road improvements.

2. Sidewalks

The college or university shall provide public sidewalk with each site plan application in the following manner:

- a. The length of sidewalk required per site plan shall be equal to the total of the widest dimension of the project area(s).
- b. Sidewalk can be placed as permitted in paragraph 12.4.2C.1; however, locations shall be prioritized as follows:
 - (1) Locations within the campus specified within the *Durham Walks! Plan* or subsequently adopted pedestrian plan(s);
 - (2) Within the TUA located within one mile of the project site;
 - (3) Along public right-of way internal to the district.
- c. No sidewalk shall be required pursuant to paragraph 12.4.2D, Exemptions.

3. Stormwater

A stormwater impact analysis shall be required to be approved in advance of site plan approval when appropriate thresholds on campus development are reached. Such an analysis may reflect development throughout a UC district, for identified areas within a UC district, or be provided on a site plan specific basis. If provided utilizing any option other than the site plan specific basis, the university or college may submit a proposed implementation schedule for the provision of required stormwater improvements, with the improvements tied to specific dates rather than specific projects. Such an implementation schedule shall be reviewed and approved by the City or County, as appropriate and, if approved, shall be used to govern the timing of all required improvements.

6.11.5 Commercial Center (CC)

A. Uses

1. The primary use allowed within the CC District shall be commercial. Use of this District shall require multiple buildings and tenants.
2. Uses allowed in the CC District shall be limited to those uses listed in Sec. 5.1, Use Table. Proposed residential uses in a CC District shall be noted on the Development Plan.
3. Commercial outparcels shall not comprise more than 50% of the acreage or floor area of the development.

B. Dimensional Requirements

1. Site Area

- a. A minimum of four contiguous acres shall be required for initial approval.
- b. Additions to an approved CC District may be made in increments of any size.

2. Lot Area

No minimum lot area shall be required.

C. Development Standards

1. Within the Suburban Tier, residential development shall conform to the standards of the RS-M District.
2. Within the Urban and Compact Neighborhood tiers, residential development shall conform to the standards of the RU-M District.
3. When a conflict occurs between this section and the RS-M or RU-M standards for open space, site area, or lot area, the stricter rules shall apply.

D. Density

1. Within the Suburban Tier, the maximum density shall be 11 units per acre.
2. Within the Urban Tier, the maximum density shall be 14 units per acre.
3. Within a Compact Neighborhood Tier, the maximum density shall be 18 units per acre.

E. Height

1. The maximum height shall be determined by the square footage of the buildings in the development, as indicated below:

Square Footage	Maximum Height
Less than 150,000	50 feet
150,000 to less than 250,000	90 feet
More than 250,000	145 feet

2. Any building over 50 feet shall have its proposed location and height shown on the development plan.

F. Access

Access to all outparcels shall be from the project area. No outparcel shall have direct access onto a public road.

G. Yards

1. All nonresidential and upper-story residential structures shall maintain yards per the CG District within the applicable Tier.
2. Apartment and multiplex structures shall maintain yards per the applicable housing type in Sec. 7.1, Housing Types.

H. Sidewalks

Development plans shall indicate a continuous internal pedestrian system designed to permit ready access between all elements of the development, including outparcels.

6.11.6 Industrial Park (IP)

A. Uses

1. The primary use allowed within the IP District shall be industrial. Use of this District shall require multiple buildings.
2. Uses allowed in the IP District shall be limited to those uses listed in Sec. 5.1, Use Table.

B. Dimensional Requirements

1. Site Area

- a. A minimum of ten contiguous acres shall be required for initial approval.
- b. Additions to an approved IP District may be made in increments of any size.

2. Lot Area

No minimum lot area shall be required.

C. Transitional Use Area

A landscaped Transitional Use Area of at least 30 feet shall be established around the perimeter of the District and shall be shown on the development plan. If a buffer required pursuant to Sec. 9.4, Project Boundary Buffers, imposes a greater width requirement than the Transitional Use Area, the buffer requirement shall apply.

D. Height

The maximum height of any building shall be 90 feet, unless a taller building is identified on the development plan, in which case the maximum building height shall be 145 feet.

E. Yards

Other than the Transitional Use Area requirements, no yard requirements shall be established.

F. Sidewalks

Development plans shall indicate a continuous internal pedestrian system designed to permit ready access between all elements of the development.

6.11.7 Mixed Use (MU)

A. Uses

- 1. A mixed-use development shall require residential uses as listed in Sec. 5.1, Use Table, and uses from at least one of the following use categories, with the actual uses limited to those identified in the use table:
 - a. Public and civic;
 - b. Commercial; or
 - c. Office

The location of the uses shall be shown on the development plan.

- 2. Additions to MU developments shall not be required to include multiple use types provided the use types are present on the overall site and the required ratios of use established in paragraph B.2 below are maintained.

B. Dimensional Requirements

1. Site Area

- a. A minimum of four contiguous acres shall be required for initial approval. A smaller initial site may be allowed, if the applicant can demonstrate to the governing body that certain circumstances exist that make an area of less than four acres suitable due to factors including but not limited to, location,

topography, or compatibility with adjacent uses. Sites smaller than four acres shall comply with the other requirements of the district, including the requirement to provide at least two use types on the overall site.

- b. Additions to an approved MU district may be made in increments of any size.

2. Use Area

- a. For mixed use developments containing two uses, no use shall occupy less than 30% of the floor area or gross acreage of the project.
- b. For projects with three or more uses, the 30% minimum for a single use shall be waived; however, no single use shall occupy more than 60% of the floor area or gross acreage of the project.
- c. Changes in the location of use areas within a project shall be approved through the site plan process; provided that all other requirements of the district, including the required mix of uses, are met.

3. Lot Area

Any dimensional requirements for individual lots shall be specified in the development plan.

C. Transitional Use Area

A 50-foot wide Transitional Use Area shall be established around the perimeter of each MU district. Within these areas, use and building scale (massing and height) shall reflect the uses permitted within the adjacent property; except that a single-story (or 15-foot) differential in building height between the proposed and adjacent uses shall be allowed. If, as a result of the location of uses within an MU district, a use is proposed that would typically require a buffer from the use on an adjacent property not in the district, then the buffer requirements of the typical district shall apply, even if they require a greater buffer than the required Transitional Use Areas.

D. Residential Density

1. Minimum

The minimum gross residential density shall be four units per acre for any portions of a project that are developed solely as residential.

2. Maximum

Tier	Maximum Density: Horizontal Integration of Uses (dwelling units/acre)	Maximum Density: Vertical Integration of Uses (dwelling units/acre)
Suburban	14	18
Urban	16	20
Compact Neighborhood	Core: 42 Support: 16	53

a. Vertical Integration of Uses

For projects in which residential and nonresidential uses are integrated vertically, density shall be calculated based upon the entire site acreage, including areas

typically precluded from consideration for density in Article 8, Environmental Protection.

b. Horizontal Integration of Uses

For all other projects, residential density shall only be calculated based upon that portion of the site allocated for residential uses, excluding the areas precluded for consideration for density in Article 8, Environmental Protection.

E. Nonresidential Intensity

1. Minimum

The minimum floor area shall be 30% of the square footage of the particular parcel to be developed.

2. Maximum

No maximum floor area shall be established. The maximum building coverage shall be 70%.

F. Height

The maximum height of a structure shall be 50 feet, unless a greater height (up to 145 feet) is shown on the development plan.

G. Street Yards

1. Suburban Tier

A 25-foot street yard shall be maintained, unless the project is in a Suburban Transit Area as designated in the *Comprehensive Plan*. Projects in these areas shall maintain a minimum street yard of eight feet.

2. Urban Tier

A 15-foot street yard shall be maintained.

3. Compact Neighborhood Tiers

Projects shall respect a maximum street yard such that at least 60% of any structure is no more than 15 feet from the edge of right-of-way.

H. Open Space

1. Suburban Tier

At least 10% of the gross acreage of the entire site shall be devoted to open space, unless the project is located in a Suburban Transit Area as designated in the *Comprehensive Plan*. Projects in these areas shall have a minimum open space requirement of 2% of the gross acreage of the site.

2. Urban Tier

At least 5% of the gross acreage of the site shall be devoted to open space.

3. Compact Neighborhood Tier [See G.3, above]

At least 2% of the gross acreage shall be devoted to open space.

I. Landscaping

The applicant shall establish a set of design guidelines that provide provisions for landscaping throughout the entire development, ensuring that a common theme with consistent plant materials are utilized throughout the project.

J. Parking

1. Residential

a. Single-Family Detached, Zero Lot Line, Townhouse

Parking shall be provided at a minimum rate of one parking space per dwelling unit and a maximum rate of 2.1 spaces per dwelling unit.

b. Multifamily

Multifamily parking shall not exceed an amount equivalent to 2.1 spaces per dwelling unit.

2. Nonresidential

- a. Based upon the parking rates in paragraph 10.3.1A.4, Parking Rate Table, the amount of motor vehicle parking shall be required as follow:

Minimum	80% of the parking rate
Maximum	100% of the parking rate. An additional 25% is allowed as long as the additional parking spaces are located within structured parking (above ground or underground)

K. Sidewalks

Development plans shall indicate a continuous internal pedestrian system designed to permit ready access between all elements of the development.

L. Phasing

1. A phasing plan that identifies the stages of development shall be required as part of the zoning map change application proposing to use the MU District.
2. Some components of both residential and nonresidential uses shall be included in the first phase of any project in the MU District.

M. Traffic Impact Analysis

1. A traffic impact study shall be required as a part of the development plan when portions of the development or the entire development will generate vehicle trip levels in excess of those identified in Sec. 3.3, Traffic Impact Analysis; however, the TSUP that may be required pursuant to paragraph 3.3.8, Transportation Special Use Permit, shall not be required within the MU District.
2. The City Transportation Department or NCDOT, as appropriate, shall review the development plan as well as the projected on-site and off-site traffic impacts, and determine that the mixed use project is designed to adequately provide for transportation needs.
3. The City Transportation Department or NCDOT, as appropriate, may recommend that the governing body require the developer to limit access points, provide additional

lanes, install traffic islands, provide transit facilities, install traffic signals, or make other improvements to assure traffic safety.

N. Additional Requirements

1. Unless the public transit provider indicates in writing to the Planning Director that a shelter is not required, construction of bus shelters shall be mandatory wherever the project includes or is adjacent to an existing or previously identified transit line extension proposed in adopted documents by the public transit provider.
2. Lots may front on public or private streets. A plan for the future maintenance of project amenities and any private streets shall be submitted with the Site Plan.

Sec. 6.12 Design Districts

6.12.1 Purpose

Design districts shall be established to regulate the physical form of specific areas within the community. They regulate the relationship between buildings and the streetscape by focusing on mass, scale, and character along the street. The emphasis is on appropriate building placement and massing rather than specific land uses. They are intended to encourage innovative projects that are integrated and compatible with nearby development.

6.12.2 All Design Districts

A. General

1. Design district uses shall be permitted in accordance with Sec. 5.1, Use Table.
2. Unless alternate standards are explicitly established in Sec. 6.12, Design Districts, all standards and provisions of this Ordinance shall apply to development within any Design District. The requirements of paragraph 6.12.2, All Design Districts, shall be met in addition to either the requirements of paragraph 6.12.3, Downtown Design (DD) District, or paragraph 6.12.4, Compact Design (CD) District.
3. If conflicts exist between the requirements of this section and other requirements contained in Article 6, District Intensity Standards, or Sec. 7.1, Housing Types, the requirements of this section shall apply.
4. Development in Design Districts shall conform to any applicable adopted Open Space or Gateway Plans.
5. Where a Design District is overlaid by a Historic District Overlay, the standards set forth in Sec. 4.10, Historic District Overlay, shall apply.
6. Alternative forms of compliance for the following standards may be approved through a design special use permit issued pursuant to Sec. 3.9, Special Use Permit:
 - a. Building standards in paragraphs 6.12.2D.2 through 7 for the applicable Frontage Types.
 - b. Paragraph 6.12.2D.8.c, Building Standards, and paragraph 6.12.2D.8.d, Front Facade Street Yard Standards, for the Monumental Building Type.
 - c. Paragraph 6.12.2E, Additional Standards.
 - d. Paragraph 6.12.2F, Architectural Standards.
 - e. Paragraph 6.12.2G, Streetscape Standards.
 - f. Paragraph 6.12.3A.1 or 6.12.4A.1, Building Placement Standards.
 - g. Height Articulation (Massing) standards in the table in paragraph 6.12.3A.2.a or 6.12.4A.2.a.
7. **Durham Design Manual**
The *Durham Design Manual* shall contain the following:

- a. Recommended standards and methodologies for building and site design within the Downtown Design District.
 - b. Standards to conform to streetscape requirements of this Section.
- 8. For projects with no proposed changes to the site, only the following standards shall apply, as appropriate:
 - a. Paragraph 6.12.2A.9.
 - b. Paragraph 6.12.2E.2.b.
 - c. Paragraph 6.12.2F.2.c.
 - d. Paragraph 6.12.2G.1.b.
 - e. Paragraph 6.12.2G.3, Streetscape Amenities.

9. Street Level Residential Uses within Design Districts

- a. Residential uses at street level shall be raised a minimum of 30 inches from the average finished ground level.
- b. For buildings with multiple residential entries, the finished floor elevation for each residence's floor plate shall be a minimum of 30 inches above the grade at street level.
- c. Exemptions from paragraphs 9.a and 9.b, above:
 - (1) Utilization of the Forecourt Frontage type with a minimum forecourt depth of 10 feet.
 - (2) Residential uses on the ground floor of a building located at least 20 feet from the street facing façade.
 - (3) Entry areas to residential uses, such as lobbies, foyers, or common areas.

Commentary: The elements described in paragraph 6.12.2, All Design Districts, are the building blocks for the creation of new Design Districts. Design districts utilize sub-districts, height articulation, and building and frontage types.

B. Sub-Districts of Design Districts

In the creation of a Design District, any number of the following sub-districts shall be established and depicted on the zoning map for the specific Design District:

1. Core (C)

The portion of a Design District where the highest, densest urban development, with a mix of vertically integrated uses, is expected and encouraged.

2. Support 1 (S1)

The portion of a Design District where moderate intensity urban development creates a mixed use urban environment at a lesser scale that respects adjacent development.

3. Support 2 (S2)

The portion of a Design District intended to provide a sensitive transition from more intense development to development adjacent to the district, often residential in nature.

4. Special Sub-Districts

Special sub-districts can be established as needed for any of the Design Districts. Specific standards for a special sub-district shall be contained in the standards for the Design District in which it is established.

a. Pedestrian Business Sub-District (Ninth Street)

The Pedestrian Business sub-district (Ninth Street) (CD-P(N)), which is located in the Compact Design District that incorporates a portion of Ninth Street, is created to protect the character existing along the east side of Ninth Street within the district and to ensure that any new development on the west side of Ninth Street within the district is in keeping with that character.

C. Height Articulation

1. Podium Height

The minimum and maximum podium height is established along the street frontage based on sub-district.

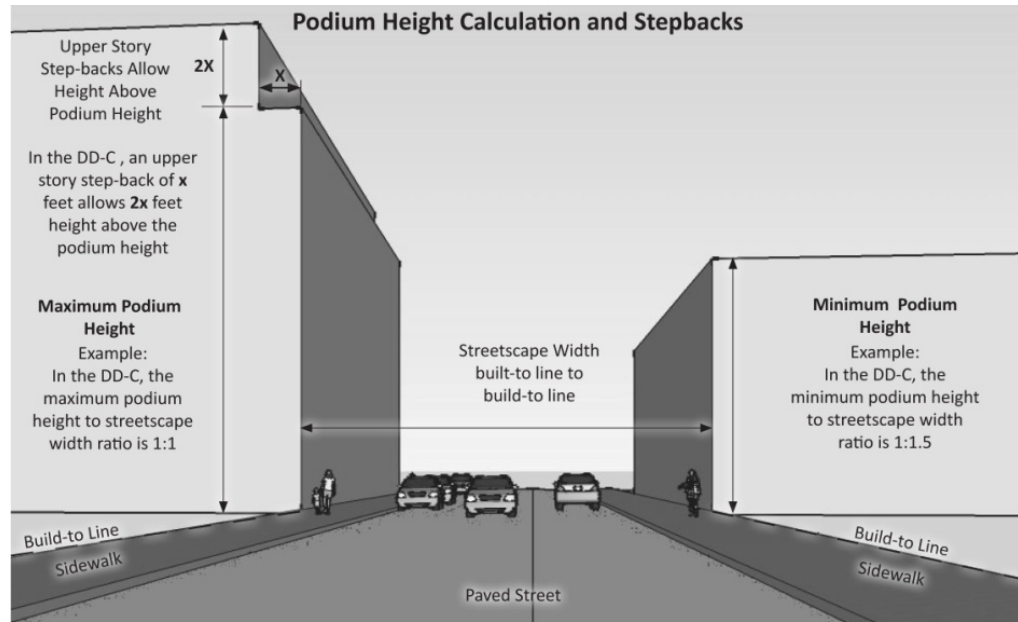
- a. Minimum and maximum podium heights are established pursuant to paragraph 6.12.3A.2 for the DD District and paragraph 6.12.4A.2 for the CD District.
- b. All Building Types and Frontage Types, except the Forecourt Frontage Types and the Monumental Building Type, shall meet the minimum podium height at the build-to line.
- c. Forecourt Frontage Types shall meet the minimum podium height at the back of the forecourt, pursuant to 6.12.2D.6.b(1).

Commentary: Building height is typically comprised of two components: the podium (the initial building height) and the upper story step-back. In some instances, a building consists only of podium height. Urban design principles include both a minimum enclosure of the public realm for pedestrian-scaled development, and a maximum enclosure to ensure light and air access on the street. The minimum podium height to streetscape width ratios provide a minimum enclosure. The maximum podium height to streetscape width ratios and the upper story building step-backs provide a maximum enclosure.

2. Upper Story Building Step-Backs

Upper story step-backs can be used above the minimum podium height, and shall be used above the maximum podium height, pursuant to paragraph 6.12.3A.2 for the DD District and paragraph 6.12.4A.2 for the CD District.

- a. Upper story building step-backs shall be provided as required by the corresponding Building Height and Massing table for each district.
- b. Step-backs shall apply until the final 25% of the site area is reached at which point the building can extend up without further step-backs until the maximum allowable height is reached.



D. Frontage and Building Types

Frontage Types define the interface of the development with the streetscape. They apply to all street facades and the adjoining streetscape, including public and private streets and public access and common areas, generally at ground level. Building Types regulate massing of the entire building along all sides.

1. Permitted Frontage and Building Types

Permitted Frontage and Building Types are indicated by a “✓” in the table below.

Sub-District		Frontage or Building Type					
		Storefront	Arcade	Courtyard	Forecourt	Parking Structure	Monumental
Downtown Design	DD-C	✓	✓	✓	✓	✓	✓
	DD-S1	✓	✓	✓	✓	✓	✓
	DD-S2	✓	✓	✓	✓	--	✓
Compact Design	CD-C	✓	✓	✓	✓	✓	--
	CD-S1	✓	✓	✓	✓	--	✓
	CD-S2	✓	✓	✓	✓	--	✓
	CD-P	✓	✓	✓	--	--	--

2. General Standards

- a. A building can employ different Frontage Types, but Building Types cannot be combined.
- b. If a property has street frontage on all sides, a single street frontage can be designated as a service frontage on the site plan and thereby be exempt from meeting all Frontage Type standards where designated.

3. Storefront Frontage Type

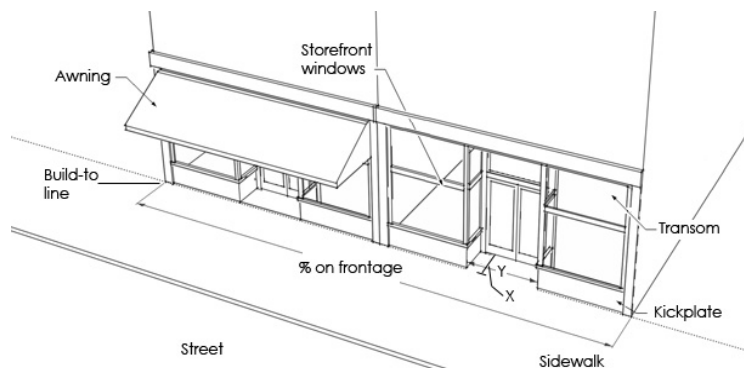
a. Description

A structure with facades placed at or close to the right-of-way line, with the entrance at sidewalk grade.

b. Building Standards

In addition to the standards in paragraph 6.12.2F, Architectural Standards, the following standards shall apply to the Storefront Frontage Type.

- (1) The building mass shall be articulated as individual vertical bays, each a maximum of 50 feet in width with a storefront and an entrance.
- (2) A storefront window system shall be used at the street level.
- (3) A primary horizontal articulation shall be made between the ground floor and the upper floors that includes a change in material or change in plane.
- (4) A secondary, tripartite, horizontal articulation shall be made within the ground floor facade (for example: kickplate, storefront, and transom).
- (5) Primary ground floor entries shall be recessed so that any door in a fully opened position does not extend beyond the building facade.
- (6) Recessed entries, required in paragraph (5) above, shall be proportionally wider (Y) than they are deep (X).



4. Arcade Frontage Type

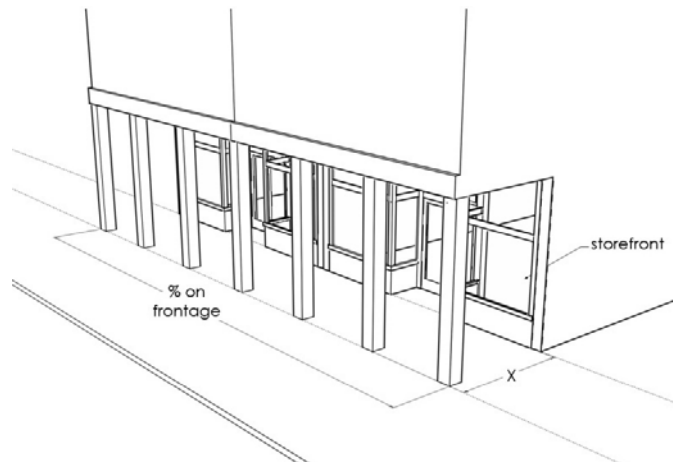
a. Description

A structure with a recessed street level facade that creates a linear passageway parallel to the street covered by the upper stories of the building, which extend to the build-to line and are supported by columns.

b. Building Standards

In addition to the standards in paragraph 6.12.2F, Architectural Standards, the following standards shall apply to the Arcade Frontage Type.

- (1) The building shall have a ground floor storefront and entrance within each building bay.
- (2) The depth (X) of the recessed street level, or arcade, shall be a minimum of eight feet and a maximum of 20 feet, measured from the build-to line.
- (3) Columns shall be placed at the build-to line and their spacing shall, at a minimum, correspond to the vertical bay articulation along the frontage. Voids between columns shall not be permanently filled in.
- (4) Voids between columns shall not be permanently filled in.
- (5) A minimum of 65% of the colonnade facade at the ground level shall be open.



5. Courtyard Frontage Type

a. Description

A structure with a full height recessed facade for a portion of the building frontage where the building(s) creates enclosure around an internal void (such as a U or L shaped building footprint).

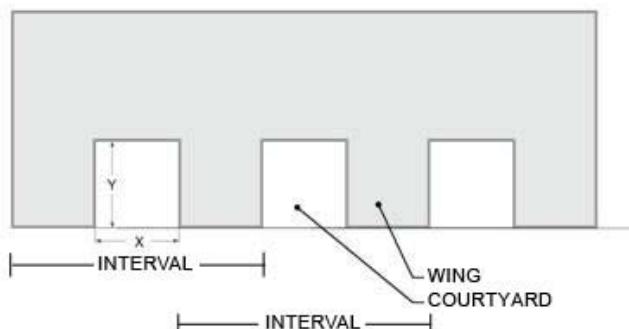
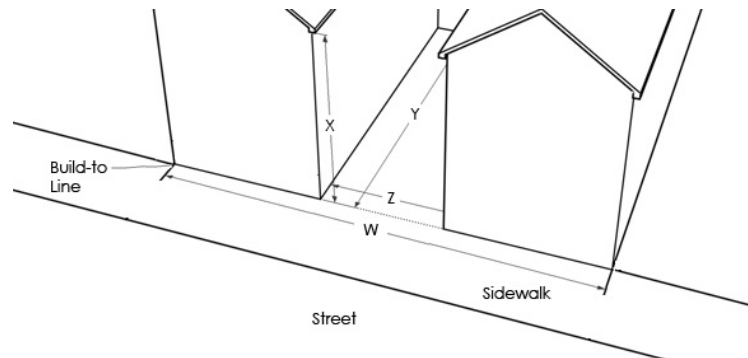
b. Building Standards

In addition to the standards in paragraph 6.12.2F, Architectural Standards, the following standards shall apply to the Courtyard Frontage Type.

- (1) Dimensional Standards

Requirement	Minimum	Maximum
Required street frontage of the lot (W)	100 feet	---
Required width (Z) at build-to line	20% of the building frontage or 30 feet, whichever is greater	50% of the building frontage
Required courtyard depth (Y)	50% of courtyard width (Z) or 30 feet, whichever is greater	---
Required courtyard width to building height ratio (Z:X)	2:1	1:2
Required courtyard interval (defined as wing, courtyard opening, and wing)	—	200 feet

- (2) Main entrances can be located in the courtyard instead of, or in addition to, entrances at the street and shall be spaced at a maximum of 150 foot intervals along the frontage.
- (3) A minimum glazing of 30% shall apply to the courtyard facades, in addition to the building facade glazing requirements in paragraph 6.12.2F.2, Fenestration Requirements.
- (4) Courtyard voids shall not be placed on block corners.



Plan View



6. Forecourt Frontage Type

a. Description

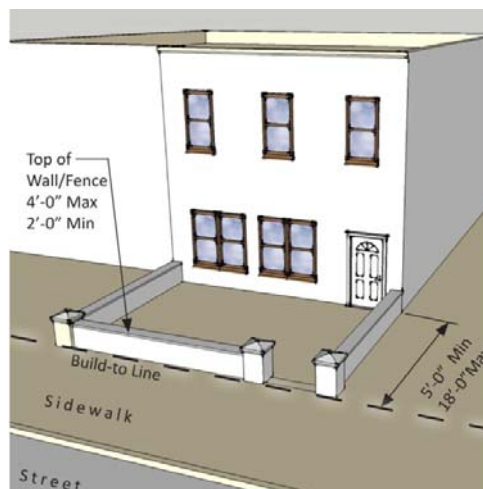
A structure with facades that are separated from the sidewalk and/or street by a small forecourt. The forecourt shall be either at the same average grade as the adjacent street, or situated as follows: above grade (raised court), below grade (light court), or with a raised entry (stoop).

b. Building Standards

In addition to the standards in paragraph 6.12.2F, Architectural Standards, the following standards shall apply to the Forecourt Frontage Type.

- (1) The required forecourt shall have a minimum depth of five feet and maximum depth of 18 feet measured from the build-to line.
- (2) A minimum two-foot high fence or street wall is required at the build-to line and must comply with the provisions of Sec. 9.9, Fences and Walls. This requirement shall only apply to forecourts at the adjacent street grade for 60% of the street frontage.

Forecourt at same average grade as the adjacent street:

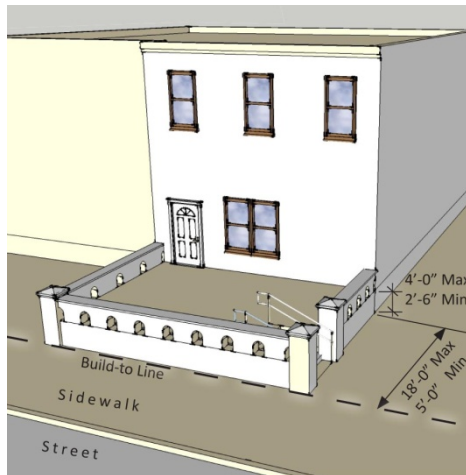


(3) Forecourt Sub-Types

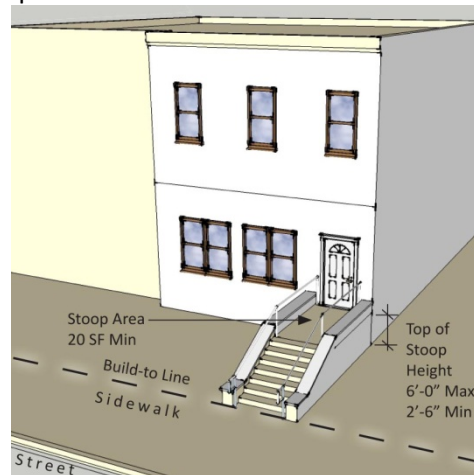
- (a) Raised court and/or stoop can be created when the ground level of the forecourt is raised above the adjacent street level.

- i. The raised court shall be:
 - a) A minimum of 30 inches and a maximum of four feet above street grade; and
 - b) More than 50% of the width of the building bay.
- ii. A stoop shall be:
 - a) A minimum 20 square foot landing area;
 - b) Raised a minimum of 30 inches and a maximum of six feet above the average grade at the street provided that the stoop corresponds to building entries; and
 - c) Less than 50% of the width of the building bay.

Raised Court:

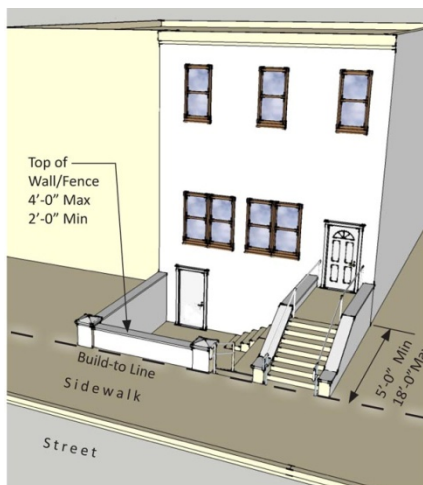


Stoop:



- (b) A light court can be created when the ground level of the forecourt is lowered below the average adjacent street grade. The light court shall be a usable space accessible from the street and/or the building.

Light Court:



7. Parking Structure Frontage Type



a. Description

A parking structure with facades that are partially or completely exposed at the street frontage and visible from the right-of-way.

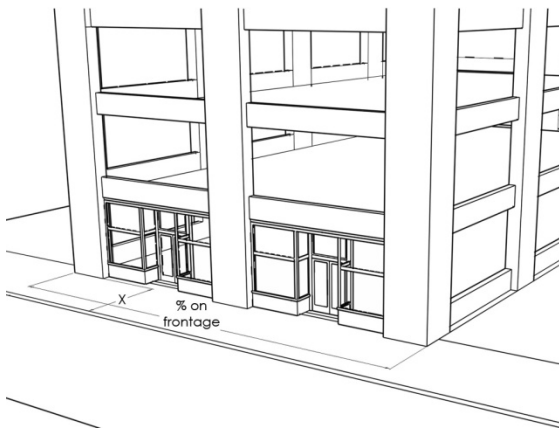
b. Building Standards

In addition to the standards in paragraph 6.12.2F, Architectural Standards, the following standards shall apply to the Parking Structure Frontage Type.

- (1) Parking structures that do not include ground floor retail shall be built to allow conversion of a minimum of 75% of the ground floor along the street frontage to retail space.
- (2) For parking structures with more than 200 feet in contiguous length along the street frontage, other than a freeway or limited-access thoroughfare, a conditioned interior space measuring a minimum of 24 feet in length along the street frontage, and compliant with either the Storefront or Arcade Frontage Type standards, shall be created in the middle 50% of that street frontage length.
- (3) Access points for pedestrians shall be located to minimize pedestrian and vehicle conflicts. Pedestrian sight distance triangles measuring 10 feet by 10 feet, or pedestrian warning devices, shall be provided at all access points.
- (4) The following specific architectural standards shall apply:
 - (a) The sloping nature of the interior structure shall not be repeated or revealed on the exterior facade. Ramping in parking structures shall be internalized to avoid an angular geometry to the perimeter of the structure.
 - (b) Where non-vehicular vertical circulation elements are located along the street frontage they shall meet either the Storefront or Arcade Frontage Type requirements. Entrances to non-vehicular vertical circulation shall have direct access to and from the street frontage.
 - (c) For exposed parking areas on all levels, a decorative wall or other decorative screening of sufficient height to screen parked vehicles shall be provided. Louvers shall not be used for screening openings

at street level. Louvers shall not be used for screening openings at street level.

- (d) Glazing requirements within the table in paragraph 6.12.2F.2.a, do not apply. Openings shall be provided for each level of the facade facing the street at a minimum rate of 40% of the façade.
- (e) Openings for parking areas on all levels, not including driveway access, shall be a maximum of 100 square feet.
- (f) Where parking spaces are exposed at the podium levels, openings shall be articulated with additional columns or pilasters, window frames, decorative screens, trellises, or vegetative walls.
- (g) No more than 30% of the parking structure materials along the street frontage shall be unfinished concrete.



8. Monumental Building Type

a. Description

A structure with large setbacks from the sidewalk which become publicly accessible open area. This Building Type can be utilized for public or private development with a qualifying use as listed below.

b. Qualifying Uses

- (1) Monumental Building Types shall use one of the following as the primary use:
 - Auditorium;
 - City Hall or County Administration Complex;
 - Courthouse;
 - Library;
 - Museum;
 - Passenger Terminal;
 - Place of Worship;
 - School, elementary, middle, or high; or
 - Theater.

c. Building Standards

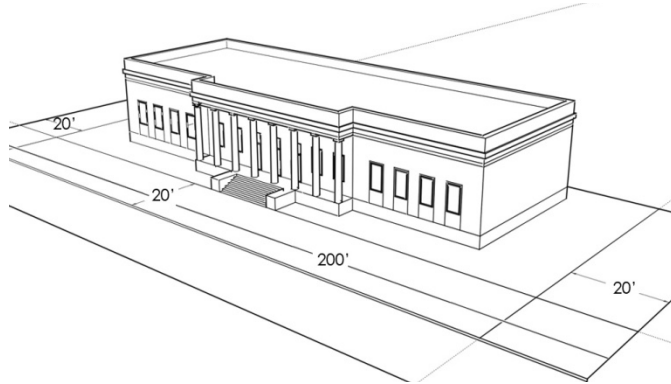
- (1) Minimum setbacks shall apply to this type in lieu of the build-to line as required by the corresponding Building Placement table in each Design District.
- (2) A minimum street frontage of 200 feet shall be required. For developments with multiple street frontages only one frontage shall be required to meet the minimum.
- (3) The following specific architectural standards shall apply.
 - (a) When provided, punched windows shall be a minimum of two feet wide by four feet tall.
 - (b) The finished floor elevation of the main building shall be raised a minimum of 18 inches above the average grade of the adjacent ground level measured at the sidewalk.
 - (c) The primary entrance shall be located on the front facade and shall face the street yard along the primary public or private street frontage. The front facade shall be clearly defined and have a greater level of architectural expression and articulation than the remaining facades.
 - (d) The main entrance shall be articulated as a major component of the main facade.
 - (e) Primary building materials shall consist of brick, cast in place concrete or pre-cast concrete panels, glass, and/or stone.

d. Front Facade Street Yard Standards

The front facade street yard shall meet the following requirements:

- (1) It shall be no more than three vertical feet higher than sidewalk grade at the street frontage for a minimum depth of five feet, measured from the property line at the right-of-way.
- (2) It shall have a minimum depth of 20 feet from the back-of-curb, extend a minimum of the length of the building along the street frontage, and be comprised completely of landscaping and hardscaping as described below.
- (3) A minimum of 30% of the street yard area shall be comprised of hardscaping and shall include the following:
 - (a) The entire hardscaped area shall be covered with modular pavers, decorative concrete, or stone paving.
 - (b) A minimum of one "element of interest" (i.e. fountain, art, clock, etc.) shall be provided.
 - (c) One linear foot of seating per 40 square feet of hardscaped area shall be provided.
 - (d) One trash and one recycling receptacle per 5,000 square feet of hardscaped area shall be provided.

- (4) A minimum of 30% of the street yard area shall be comprised of landscaping and shall include the following:
 - (a) One 2 ½-inch caliper tree per 1,000 square feet of landscaped area shall be required; and
 - (b) No more than 50% of the landscaped area shall be lawn. The remainder of the area shall be planted with trees, shrubs, perennials, and/or annuals.
- (5) It shall not be blocked, gated, or barred in such a manner to prevent 24-hour public access.



E. Additional Standards

1. Pedestrian Mall Standards

In Design Districts, pedestrian malls, when provided, shall meet the following standards:

- a. Pedestrian malls shall have a minimum width of 35 feet, a maximum width of 50 feet, and shall begin and terminate at a public or private street.
- b. A clear zone, free of obstructions, and at least 10 feet in width, shall be provided along the length of the pedestrian mall.
- c. Pedestrian malls shall have hardscaped surfaces. A maximum of 50% of the pedestrian mall can be landscaped provided the required clear zone is hardscaped and maintained for the length of the pedestrian mall.
- d. Street trees as per Sec. 9.6, Street Trees, shall be provided along the street right-of-way where the pedestrian mall intersects that right-of-way.

- e. The requirements of paragraph 6.12.2G.3, Streetscape Amenities, shall apply. Amenities shall be distributed throughout the length of the pedestrian mall.
- f. Street names can be established for pedestrian malls pursuant to paragraph 12.3.2, Street Names; and the establishments that open onto the pedestrian mall can have addresses on it when a minimum clear zone of 20 feet in width and 13.5 feet in height is provided to accommodate emergency vehicles.
- g. Pedestrian malls shall not be blocked, gated, or barred in such a manner to prevent 24-hour public access.
- h. A public access easement for the entire area of any pedestrian mall shall be granted in perpetuity to the City of Durham.

2. Parking and Services

- a. Surface parking and service areas shall not be located at street corners.
- b. Where an alley is present service entrances, above ground equipment (as listed in Sec. 9.7, Screening), trash containers, and parking areas shall be accessed from the alley and concealed from pedestrian view. Where conflicts with utilities, sight distance triangles, pedestrian accessibility, or vehicular and service accessibility exist, access points from public or private streets shall be permitted.
- c. To meet the required minimum percentage of the building facade at the build-to line, parking areas can be accessed by a tunnel through the building. When this option is utilized the design shall demonstrate that the width and height of the opening in the building is the minimum required to comply with any applicable standards.

F. Architectural Standards

1. Building Access and Pedestrian Connectivity

- a. The primary entrance shall:
 - (1) Be within 30 inches of street level;
 - (2) Face the street; and
 - (3) Have direct access to the street.
- b. Exemptions from paragraph a, above:
 - (1) Entrances to the Courtyard and Forecourt Frontage Types, per paragraph 6.12.2D.5, Courtyard Frontage Type, and paragraph 6.12.2D.6, Forecourt Frontage Type.
 - (2) Existing entrances designed and used as the primary entrance for the building, as long as access to the street is maintained.
- c. Primary building entrances shall be clearly defined and articulated by decorative surrounds, thresholds, pediments, distinctive lighting, lintels, sidelights, canopies, or other distinctive architectural elements which frame and identify the entrance. Primary entrances shall also be larger in scale than secondary

entrances. Entries from parking areas shall be secondary in nature and articulation.

- d. Residential uses at street level shall be pursuant to paragraph 6.12.2A.9, Street Level Residential Uses within Design Districts.
- e. For every 250 feet in facade length along the street frontage, a minimum of one exterior pedestrian passage shall be provided between or through buildings to allow for pedestrian connectivity.
 - (1) Such passages shall maintain a minimum of eight feet of clearance in width and height.
 - (2) Such passages shall be architecturally distinctive.
 - (3) Such passages shall be illuminated as per paragraph 7.4.3, Standards.
 - (4) Pedestrian passages can be provided between two buildings, or can be provided as a tunnel through a building; but shall not create a dead end.
 - (5) Such passages not be blocked, gated, or barred in such a manner to prevent 24-hour public access. For projects that are 100% residential (not including ancillary uses provided for residents of the development, such as leasing offices, pools, fitness facilities, etc.), these passages can have limited access for security.

2. Fenestration Requirements

- a. A minimum percentage of building facades facing street frontages shall be glazed window or door openings as follows:

Facade Location	Glazing Required	Glazing for Portion with 4% Slope or Greater ¹
Storefront and Arcade Frontage Type at Sidewalk Level	65%	50%
Forecourt Frontage Type at Sidewalk Level	50%	25%
Monumental Building Type at Ground Level	30%	25%
Parking Structure Frontage Type, All Levels	See paragraph 6.12.2D.7.b(4).	
All Podium Levels except at Sidewalk Level for All Uses	25%	25%
All Levels Above the Podium	20%	20%
Exceptions to the Above Criteria:		
Overnight Accommodations at Sidewalk Level	30%	25%
Residential at Sidewalk Level	30%	25%

¹ Slope is measured parallel to the street.

- (1) The area of any exterior air intake louvers or vents used for mechanical equipment or HVAC systems can be subtracted from the total wall area when calculating glazing requirements.
- (2) Upper floor windows greater than 10 square feet in area shall be divided by a minimum of one muntin, mullion, or sash.
- (3) Street-facing facades at any level and placed 40 feet or more away from the build-to line shall provide the fenestration as listed for "All podium levels except at sidewalk level for all uses" in the table above.
- (4) Courtyards with facades completely internal to the site and not applicable to the Courtyard Frontage Type as described in 6.12.2D.5, Courtyard Frontage Type, are exempt from minimum fenestration requirements.

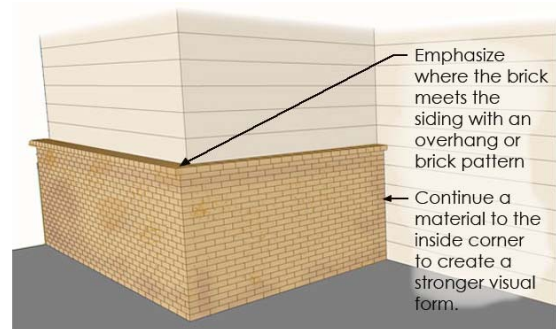
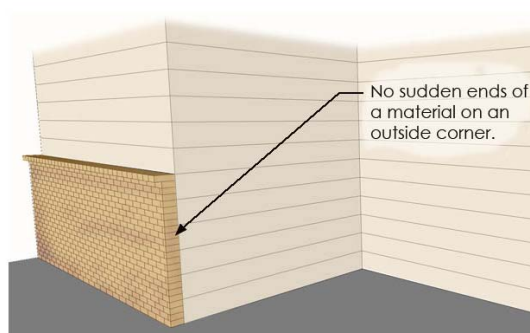
b. Street-Level Window Design Standards

All street level glazing used to meet these fenestration requirements shall comply with the following standards to ensure visual interest along the streetscape:

- (1) Street-level glazing shall have transparent glass. Mirrored and frosted glass shall not be used.
- (2) Street-level glazing shall be maintained free of internal obstructions or partitions to a minimum depth of three feet.
- (3) Street-level glazing shall not be obscured by materials applied to the inside of the glass including, but not limited to: paper and paint. Signs allowed pursuant to Article 11, Sign Standards, are exempt from this requirement.

3. Materials

- a.** Vertical changes in exterior building materials shall only occur at inside corners of the building facade.



- b.** Horizontal changes in exterior building materials shall only occur as defined lines, edges, or elements.
- c.** Incidental changes in material, such as but not limited to quoins or keystones, are allowed.

4. Facades

Facades of buildings visible from public or private streets, or from private access and common areas, shall be designed as follows. Portions of building facades in the aforementioned locations and used as retaining walls shall also be subject to these standards.

a. Building Bays

- (1) Building bays shall be articulated with a maximum width of 50 feet for each bay and building entrances at a maximum interval of 100 feet. To gain additional 25-foot increments of spacing between entrances, up to a maximum of 200-foot intervals, bay widths shall be decreased in five foot increments per 25 feet of added spacing.

Example: To provide building entrances at 175-foot intervals for a project, bay widths of 35 feet would be required ($100+3(25)=175$; $50-3(5)=35$).

- (2) Building bays shall be designed with vertical articulation elements (e.g. pilasters, reveals) that create relief from the main facade surface).
- (3) Rooflines shall be varied to reinforce the articulation of the primary facade.
- (4) For buildings in the Pedestrian Business sub-district (Ninth Street) of the CD District, the rhythm established by typical building bay widths of the traditional commercial structures on the east side of Ninth Street between Perry Street and West Markham Avenue shall be maintained instead of the increment established in paragraph 6.12.2F.4.a(1).
- (5) Building bays shall be articulated from street level to the top of the podium.

- b. Building tops shall be articulated with discernible cornice lines, parapets and/or fascias that create three-dimensional relief or reveal.

- c. The base, or ground floor, shall appear visually distinct from the upper stories through the use of a change in building materials or textures, window shape or size, an intermediate cornice line, an awning, arcade or portico, upper-floor balconies, or similar techniques.

d. Corner Facades

- (1) Buildings on corner lots shall be designed with all street-facing facades having similar architectural expression and articulation.
- (2) Any corner tower element shall wrap both sides of the corner and be articulated as a distinct vertical element. This element shall not appear merely as a coplanar extension of the main façade.

G. Streetscape Standards

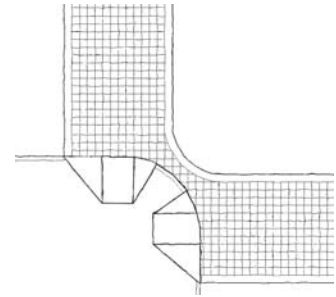
The following items are required for all development and shall be provided along all public and private streets. Materials, furnishings, and other specifications shall be provided in accordance with the *Durham Design Manual*.

1. Sidewalks

- a. Sidewalks shall be provided from the back-of-curb to the build-to line in the Core sub-district of all Design Districts. In all other sub-districts, sidewalks shall be provided from the back-of-curb to the build-to line and can include a planting strip of a maximum of three feet in depth located between the sidewalk and the back-of-curb.
- b. For the Monumental Building Type, or sites where the build-to line is greater than 18 feet from back-of-curb due to paragraphs 6.12.3A or 6.12.4A, Site Design Standards, the sidewalk shall be a minimum of 10 feet wide and a landscape strip with a minimum width of three feet can be provided against the back-of curb, rather than the standard in paragraph 6.12.2G.1.a, above.
- c. A continuous, unobstructed area, or “clear zone,” of five feet shall be maintained at all points along the sidewalk. In lieu of this standard, Pedestrian Malls shall maintain clear zones per paragraph 6.12.2E.1.b.
- d. Parking areas, loading zones, and other similar features shall not utilize, or encroach into, the required sidewalk area as described in paragraphs 6.12.2G.1.a or b, above.

2. Accessibility

- a. Sidewalk accessibility ramps shall be provided at street intersections to direct users across crosswalks rather than diagonally into intersections.
- b. Driveway aprons shall be provided so that sidewalks remain level for the width of the clear zone.



3. Streetscape Amenities

- a. Amenities shall be provided within the streetscape as indicated in the table below and shall be calculated by rounding to the nearest linear foot or receptacle.

Sub-District	Required Amenity Standards			
	Seating	Solid Waste Receptacles	Decorative Street Lights	Street Trees
Core (-C)	One linear foot per 15 linear feet of street frontage	One per 150 linear feet of street frontage	When existing street lights are replaced or new street lights are installed, they shall meet the specifications for decorative street lights found in the <i>Durham Design Manual</i>	Pursuant to Sec. 9.6, Street Trees. See planting guidelines and details in the <i>Landscape Manual</i> and the <i>Durham Design Manual</i>
Support 1 (-S1)	One linear foot per 20 linear feet of street frontage	One per 200 linear feet of street frontage		
Support 2 (-S2)	One linear foot per 25 linear feet of street frontage	One per 250 linear feet of street frontage		
Pedestrian Business (-P)	One linear foot per 15 linear feet of street frontage	One per 150 linear feet of street frontage		

- b. Existing streetscape amenities along the street frontage of the development can count towards required amenities so long as they meet all dimensional requirements.
- c. Seating shall be 12 to 30 inches high and a minimum of 15 inches deep. Seating that accommodates users on both sides shall be at least 30 inches deep.
- d. Ledges and walls can count as seating provided that they meet the dimensional requirements of this section.
- e. Streetscape amenities shall be distributed along the full length of the street frontage rather than in one location.
- f. Required streetscape amenities can be provided within the right-of-way or on private property within five feet of the property line, provided that they are publicly accessible.
- g. For projects with multiple street frontages, each street frontage shall have a discrete calculation and requirement.
- h. Streetscape amenities shall meet the applicable specifications within the *Durham Design Manual*.

H. Additional Requirements

1. Vacant Lots

Any lot that becomes vacant due to demolition, for which a building or construction permit has expired or does not exist, shall meet the following standards in addition to any sedimentation and erosion control requirements of paragraph 12.10.4B, Stabilization of Disturbed Land:

- a. The lot shall be planted with ground cover, grass or other appropriate landscape material, or covered with hardscape material, and maintained. No bare earth shall remain visible.
- b. A wall, opaque fence, or landscaping with a minimum height of 36 inches and a maximum height of 48 inches shall be installed on the build-to line along the length of the street frontage. The screening shall be in conformance with the *Durham Design Manual*.
- c. These actions must be completed within 30 days of demolition or the expiration of a building or construction permit, whichever comes last.

2. Temporary Pedestrian Paths

Any existing pedestrian path that will be inaccessible for more than seven days shall require approval of a pedestrian traffic control plan as per MUTCD standards. Prior to the path becoming inaccessible, the pedestrian traffic control plan shall be submitted to and approved by the Transportation Director or designee, and NCDOT, as applicable, through the Construction Drawing approval process. Pedestrian traffic control plans shall include new or temporary pedestrian circulation routes and pedestrian protection measures, as appropriate.

6.12.3 Downtown Design (DD) District

A. Site Design Standards

1. Building Placement Standards

Unless otherwise specified within the individual Frontage or Building Type standards pursuant to paragraph 6.12.2D, Frontage and Building Types, the following standards shall apply for all Frontage and Building Types.

- a. Except as specified in paragraphs (1) and (2), below, the minimum percentage of building podium specified in the following table shall be met at the build-to line.

Sub-District	Percent of Building Podium Along Street Frontage (minimum)
Core (-C)	80%
Support 1 (-S1)	70%
Support 2 (-S2)	60%

- (1) Courtyard Frontage Type buildings shall meet the building placement standards found in paragraph 6.12.2D.5, Courtyard Frontage Type.
- (2) Forecourt Frontage Type buildings shall meet the minimum percentage of podium, specified in the table above, along the street frontage and within the forecourt while meeting the standards in paragraph 6.12.2D.6.b(1).
- b. A build-to line along each street frontage shall be established between 12 feet and 18 feet from the back-of-curb.
- c. Where the right-of-way line is further from the curb than the build-to line, the required build-to line shall be at the right-of-way line.

- d. Where build-to lines conflict with public utility easements or required sight distance triangles, the build-to line at the location of the conflict shall be adjusted to the minimum amount necessary to resolve the conflict.
- e. Except in DD-S2, no rear yard shall be required. In DD-S2, a 25 foot rear yard shall only be required adjacent to a residential district or residential use outside of the DD District.
- f. For projects that encompass multiple parcels, no more than 20% of the street frontage shall be allowed as side yard on any given frontage.
- g. No minimum lot width shall apply, unless otherwise specified within the applicable frontage or building type standards in paragraph 6.12.2D.
- h. Except for Monumental Buildings, the total of side yards for all sub-districts shall be a maximum of 25 feet. The maximum side yard can be increased only to the extent necessary to meet minimum fire and life safety site access code requirements.
- i. Monumental Buildings
 - (1) The minimum setback from the right-of-way shall be 20 feet.
 - (2) The minimum side yard shall be 20 feet on each side.

2. Building Height and Massing

- a. These standards shall apply to all Frontage and Building Types, except as specified below:

Building Height and Massing						
DD Sub-Districts	Height Articulation (Massing) ¹			Maximum Building Height without Provisions	Maximum Building Height with Provisions	Optional Corner Tower Elements: Additional Height Above Proposed Podium Height
	Minimum/Maximum Podium Height Ratios (Podium Height to Streetscape Width)		Upper Story Step-Back Ratios			
Core (-C)	1:1.5 min ²	1:1 max	x feet of step-back allows 2x feet of height	300 feet	Unlimited	30 feet
Support 1 (-S1)	1:2 min ²	1.5:2 max	x feet of step-back allows 1.5x feet of height	100 feet	150 feet	20 feet
Support 2 (-S2)	1:3 min ²	---	---	50 feet	---	12 feet

¹ Height articulation standards are described and illustrated in paragraph 6.12.2C.1 and 2.

² The Monumental Building Type shall be exempt from height articulation minimums.

b. Corner Tower Elements

When provided, a corner tower element shall be limited in width and depth to a maximum of 25% of the building frontage.

c. Maximum Building Height with Provisions

A maximum building height with provisions, as indicated in paragraph 6.12.3A.2.a, above, can be achieved by providing amenities for the development site pursuant to the table below. Project provisions required elsewhere in this Ordinance or in the City Code shall not qualify as provisions to achieve the height.

Project Provisions	Standards ¹	Additional Height Allowance	
		Core	Support 1
Historic Preservation	Undertake or incorporate the adaptive reuse of an existing historic structure, including local landmarks, National Register properties, or pivotal or contributing buildings in a historic district. The renovation can add onto the structure but shall not demolish any exterior historically significant portion of the structure.	45 feet	30 feet
Affordable Housing	At least 15% of the units in a project meet the definition of an Affordable Housing Dwelling Unit.	45 feet	30 feet
Green Roof	Provide a green roof in accordance with City of Durham Public Works standards, equivalent to at least 50% of the building footprint area.	15 feet	15 feet
Pedestrian Mall	Provide a pedestrian mall in accordance with paragraph 6.12.2E.1, Pedestrian Mall Standards.	45 feet	30 feet
Public Art	Provide public art in accordance with the Public Art section of the Durham Design Manual.	15 feet	15 feet
Sustainability	Provide a minimum of four of the strategies listed in the Sustainable Architecture section of the Durham Design Manual.	20 feet	20 feet
Alternative Vehicle Parking	Provide dedicated off-street parking spaces for shared car program vehicles, alternative fuel/energy vehicles, motorcycles, or scooters at a minimum of 5% of the provided parking spaces.	10 feet	10 feet
Stormwater Capture and Reuse	Provide cistern(s) to collect stormwater from onsite rooftop impervious surfaces with a minimum volume to accommodate the first one inch of rainfall. To receive this credit the runoff must be captured and used on site for the purposes of flushing toilets or irrigation.	25 feet	20 feet
Street Tree Pit Stormwater Filtration System	Provide a minimum of 50% of street trees that use a Public Works approved tree pit stormwater filtration system.	15 feet	15 feet
Additional Provisions	<p>The Planning Director or designee shall permit additional provisions to meet this requirement so long as:</p> <ul style="list-style-type: none"> • The provision shall be provided on site; • The provision shall be something not required elsewhere in this ordinance; and • The applicant shall demonstrate that the provision will be of community benefit. 	15 feet	15 feet

¹ These apply in addition to any other applicable Ordinance standards for the above provisions.

- d. Additional height beyond what is allowed in the DD-S1 or DD-S2 sub-districts pursuant to paragraph a, above, may be granted upon the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit, with the following additional findings:
 - (a) The proposed development allows for adequate light, air and open space access, if applicable, to adjacent properties; and
 - (b) The proposed development adequately protects surrounding properties from any adverse effects of the proposal including adverse impacts of the height of the structure considering in particular the height of structures in the immediate vicinity.

B. Over-Street Connectors

A major special use permit under Sec 3.9, Special Use Permit, shall be required for all over-street connections, including but not limited to aerial pedestrian bridges and enclosed building areas. In addition to the requirements of Sec 3.9, the applicant shall demonstrate that the project's relationship to the street and street level objectives and activities have been adequately addressed, and the City Council shall approve the permit only if it finds that:

1. The project will not create negative effects on the surrounding properties; and
2. The project will be aesthetically harmonious with or complementary to the surrounding buildings and streetscape, and will not have a substantial negative impact on downtown views.

6.12.4 Compact Design (CD) District

A. Site Design Standards

1. Building Placement Standards

Unless otherwise specified within the individual Frontage or Building Type standards pursuant to paragraph 6.12.2D, Frontage and Building Types, the following standards shall apply for all Frontage and Building Types.

- a. For all Frontage Types except as specified in paragraphs (1) and (2) below, the minimum percentage of podium along the street frontage, as specified in the table below, shall be met at the build-to line.

Sub-District	Percent of Building Podium along Street Frontage (minimum)
Core (-C)	80%
Support 1 (-S1)	70%
Support 2 (-S2)	60%
Pedestrian Business (-P)	60%

- (1) Courtyard Frontage Type buildings shall meet the building placement standards found in paragraph 6.12.2D.5, Courtyard Frontage Type.

- (2) Forecourt Frontage Type buildings shall meet the minimum percentage of podium, specified in the table above, along the street frontage and within the forecourt, while meeting the standards in paragraph 6.12.2D.6.b(1).
- b. For all Frontage Types, each project shall establish a build-to line along each street frontage between 12 feet and 18 feet from the back-of-curb.
- c. Where the right-of-way line is further from the curb than the build-to line, the required build-to line shall be at the right-of-way line. Structures shall not be allowed in the public right-of-way.
- d. Where build-to lines conflict with public utility easements or required sight distance triangles, the build-to line at the location of the conflict shall be adjusted to the minimum amount necessary to resolve the conflict.
- e. For projects that encompass multiple parcels, no more than 20% of the total street frontage shall be permitted as side yard on any single frontage.
- f. For all Building and Frontage Types, the minimum rear yard shall be 10 feet.
- g. For all Frontage Types, side yards shall be as follows:
 - (1) The maximum individual side yard shall be 20 feet.
 - (2) The maximum individual side yard can be increased only to the extent necessary to meet minimum fire and life safety site access code requirements.
 - (3) The maximum total side yard shall be 25 feet.
- h. Monumental Building Type
 - (1) The minimum setback from the right-of-way shall be 20 feet.
 - (2) The minimum side yard shall be 10 feet on each side.
- i. In CD-P and CD-S2, the maximum building length along each street frontage shall be 400 feet.
- j. No minimum lot width shall apply, unless otherwise specified within the applicable Frontage or Building Type standards in paragraph 6.12.2D.

2. Building Height and Massing

- a. These standards shall apply to all Frontage Types and Building Types, except as specified below:

Building Height and Massing						
CD Sub-Districts	Height Articulation (Massing) ¹			Maximum Building Height without Provisions	Maximum Building Height with Provisions	Optional Corner Tower Elements: Additional Height Above Proposed Podium Height
	Minimum/Maximum Podium Height Ratios (Podium Height to Streetscape Width)		Upper Story Step-Back Ratios			
Core (-C)	1:1.5 min ²	1:1 max	x feet of step-back allows 2x feet of height	90 feet	115 feet	20 feet
Support 1 (-S1)	1:2 min ²	1.5:2 max	x feet of step-back allows 1.5x feet of height	60 feet	75 feet	15 feet
Support 2 (-S2)	1:3 min ²	1:2 max		45 feet	---	---
Pedestrian Business (-P)	1:3 min ²	1.5:2 max	2x feet of step-back allows x feet of height	40 feet/ 55 feet ³	---	---

¹ Height articulation standards are described and illustrated in paragraph 6.12.2C.1 and 2.

² The Monumental Building Type shall be exempt from height articulation minimums.

³ Specific height restrictions are located in paragraph 6.12.4A.2.c.

b. Corner Tower Elements

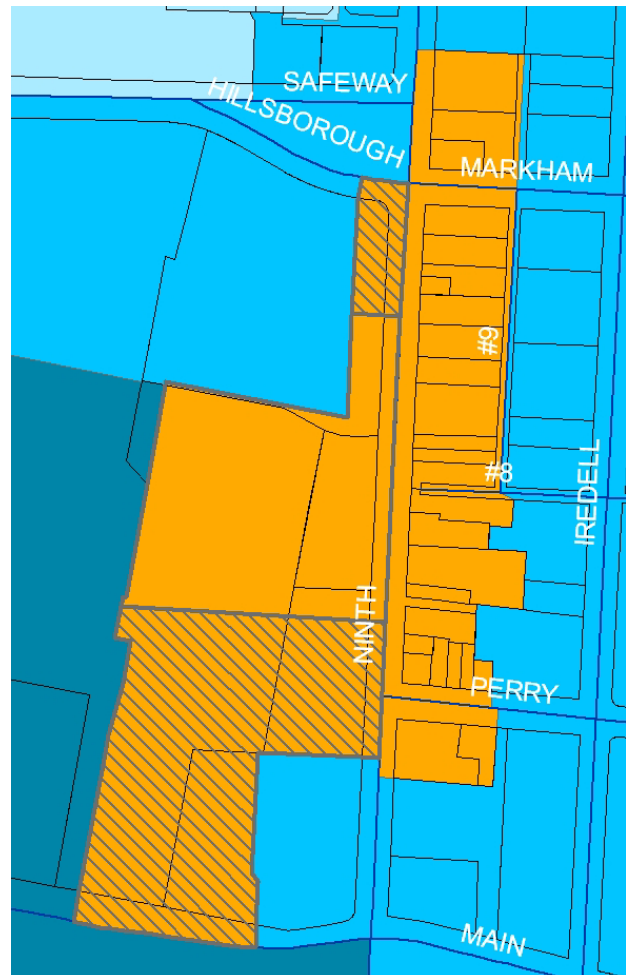
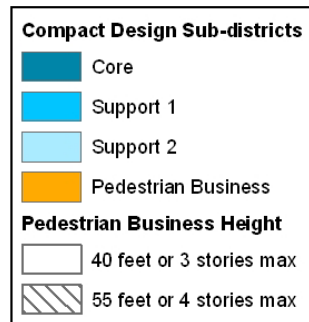
- (1) Corner tower elements shall only be permitted on building corners located at the intersection of public or private streets.
- (2) When provided, all corner tower elements on a single building shall have a combined maximum width and depth of 20% of the building frontage or 30 feet, whichever is less.

c. Pedestrian Business Sub-District (Ninth Street) Height

For properties within the Pedestrian Business sub-district (Ninth Street) the following height restrictions shall apply:

- (1) East side of Ninth Street: Building height shall not exceed 40 feet and shall not exceed three stories.
- (2) West side of Ninth Street:

- (a) Along the western Ninth Street frontage, building height shall not exceed 55 feet and shall not exceed four stories in the area extending 230 feet in from the north and south sub-district boundaries in accordance with the figure below.



- (b) If not governed by paragraph (a) above, building height shall not exceed 40 feet in height and shall not exceed three stories.

d. Maximum Height with Provisions

The Maximum Building Height with Provisions as allowed in the table in paragraph 6.12.4A.2.a, above, can be obtained only with a provision as indicated below.

- (1) A provision cannot qualify for additional height if it is a requirement elsewhere in this Ordinance or in any other code or regulation.
- (2) A provision cannot qualify for both additional height and additional density pursuant to paragraph 6.12.4A.3, Residential Density, with the exception of affordable housing which can count toward both bonuses.

(3) Eligible Provisions

The following shall be the eligible provisions that qualify for additional height.

(a) Minor special use permit

If a minor special use permit, pursuant to Sec. 3.9, Special Use Permit, is indicated as required, the following additional findings shall be made.

- i. The proposed development adequately protects surrounding properties from any adverse impacts of the additional height of the structure, considering in particular the height of structures in the immediate vicinity.
- ii. The proposed development allows for adequate light, air, and open space access, if applicable, to adjacent properties.

(b) Table of eligible project provisions for additional height.

Project Provisions	Standards ¹	Requires Minor Special Use Permit Approval
Affordable Housing, except within the CD-P District	The project implements Sec. 6.6, Affordable Bonus.	No
Pedestrian Mall	Provide a pedestrian mall in accordance with paragraph 6.12.2E.1, Pedestrian Mall Standards.	Yes
Public Parking	Provide a minimum of 20% of the parking within the development dedicated for public use. The public parking provided shall not count towards maximum parking allowed for the project.	Yes
Vertical Integration of Uses	Provide commercial use on the first floor and commercial or office use on the second floor with at least 65% of the total floor area of the structure allocated to residential uses.	Yes

¹ Additional height granted per this section is subject to the upper story step-back requirements of paragraph 6.12.2C, Height Articulation, and paragraph 6.12.4A.2.a, Building Height and Massing.

3. Residential Density

- a. Residential density in the CD District shall be in accordance with the following table:

Sub-Districts	Residential Density	
	Min. (units/acre)	Max. (units/acre)
CD-C	22	60
CD-S1	16	53
CD-S2	9	20
CD-P	16	53

- b. Additional residential density may be granted through the issuance of a minor special use permit, as per Sec. 3.9, Special Use Permit, provided that the following findings are made:
- (1) The proposed development adequately protects surrounding properties from any adverse effects of the additional density.
 - (2) The proposed development allows for adequate light, air and open space access, if applicable, to adjacent properties.
 - (3) A project provision shall be provided to compensate for the additional density in accordance with the table below.
 - (a) A provision cannot qualify for additional density if it is a requirement elsewhere in this Ordinance or in any other code or regulation.
 - (b) Only one increment of additional density is allowed.
 - (c) A provision cannot qualify for both additional density and additional height pursuant to paragraph 6.12.4A.2.d, Additional Height with Provisions.

Project Provisions	Standards	Additional Density Increment
Pedestrian Mall	Provide a pedestrian mall in accordance with paragraph 6.12.2E.1, Pedestrian Mall Standards.	15%
Public Parking	Provide a minimum of 20% of the total parking spaces within the development for public use. The public parking provided shall not count towards maximum parking allowed for the project.	15%
Vertical Integration of Uses	Provide commercial use on the first floor and commercial or office use on the second floor with at least 65% of the total floor area of the structure allocated to residential uses.	15%

- c. All projects of 200,000 square feet or greater within the S2 sub-district of the CD District shall provide the minimum residential density in accordance with the table in paragraph 6.12.4A.3.a above.

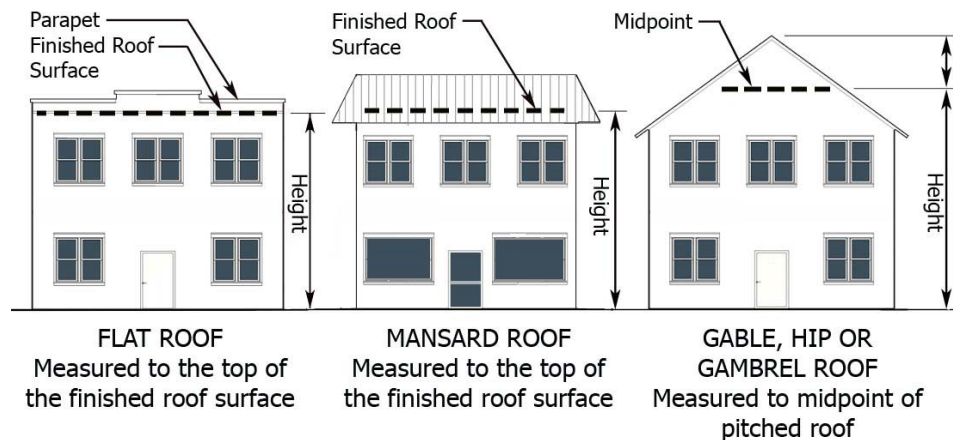
B. Additional Use Limitations

1. Commercial uses in the Support 2 sub-district of the CD District shall be limited to 20,000 square feet in size per establishment and shall only be permitted when the property has frontage on a major or minor thoroughfare as designated in the adopted Thoroughfare Plan.
2. Non-commercial uses shall not be permitted on the ground level of the Pedestrian Business sub-district (Ninth Street) of the CD District. Upper story residential uses can have ground level access points in the Pedestrian Business sub-district.

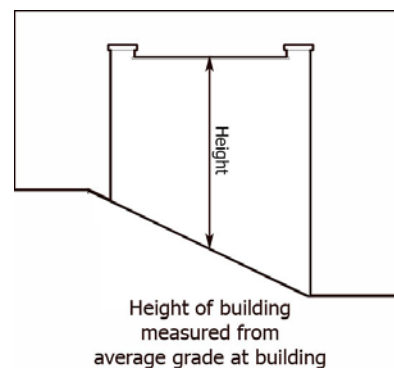
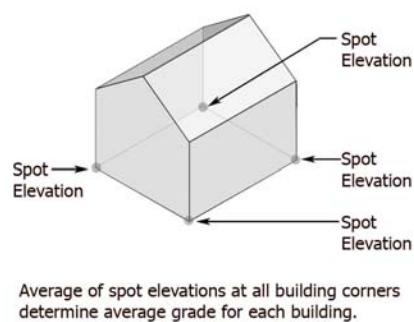
Sec. 6.13 Measurement and Computation

6.13.1 Height

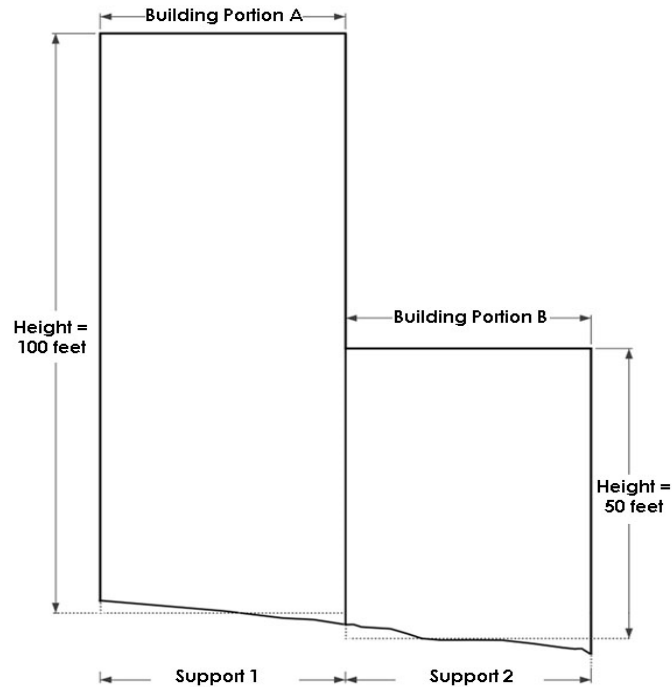
- A. Height shall be calculated by the vertical distance from the average of the finished ground level to the finished roof surface of a flat roof or the point at the average height of a roof having a pitch; except for mansard roofs, which shall be measured to the highest finished surface. For buildings with more than one facade along the street, each building facade shall be measured independently. Height for any building with multiple roof levels shall be determined by the highest roof level.



1. The average finished ground level shall be calculated by averaging the spot elevations for all building corners on a single structure. Multiple, unattached structures on the same site shall have independently-calculated average grade for the purposes of measuring the height of each individual structure.



2. Except in Design Districts, height for any building with multiple roof levels shall be determined by the highest roof level.
3. In Design Districts for buildings where multiple height standards apply, each portion of the building is allowed to build to the allowable height in the sub-district where that portion of the building is located. Height will be computed independently for each portion of the building in each sub-district.



- B. The height limitations shall not apply to steeples, decorative features including parapet walls less than four feet tall, air conditioning units, utility poles, mechanical features, penthouses for mechanical equipment or stairways, belfries, lightning rods, antennas other than those regulated in Article 5, Use Regulations, water towers, clock towers, or any other tower which is not used for transmitting and receiving electronic signals or is not a corner tower element regulated within Sec. 6.12, Design Districts.

6.13.2 Width

A. **Building Width**

Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting on a street) at the point of the street yard, except in accordance with Sec. 6.8, Infill Development in Residential Districts, when the prevailing setback shall be used to fit the point of measurement.

B. **Lot Width**

Lot width shall be measured by the distance between the side lot line (generally running perpendicular to a street), measured at the point of the street yard setback line along a straight line parallel to the front of the property line or to the chord of the front property line, or at the building line on flag lots or gore (triangular-shaped) lots.

6.13.3 Required Yards

A. **General Standards for Required Yards**

1. Required yards shall be unobstructed by objects constructed or erected in a fixed location on the ground, buildings or structures, unless allowed by standards found elsewhere in this Ordinance (for example, fences).

2. Required yards and other open areas provided for one lot or building shall not be considered as providing yard space for another building or lot.
3. Required yards shall be calculated from the adjacent property line or street right-of-way. If a new right-of-way width has been established by the adoption of an official thoroughfare planning document, then the yard requirement shall be measured from the proposed right-of-way line.

B. Encroachments into Required Yards

The following encroachment standards shall apply, so long as they do not extend in any easements:

1. Chimneys, pre-fabricated chimneys, flues, or smokestacks can extend into yard spaces but shall not occupy more than 30 square feet of the required yard space.
2. Sills and ornamental features can project up to two feet into any yard.
3. Fire escapes can project up to eight feet into any required yard. Fire escapes in the DD District are permitted to extend beyond the property line.
4. Cornices, eaves, and awnings can extend up to five feet into any required yard, but shall remain at least two feet from the property line, except on zero lot line homes.
5. Marquee signs can extend into yard spaces in conformance with standards found in the Sec. 11.6, Signs Requiring Permits.
6. Pedestrian bridges, breezeways, building connections, and supports of these structures can extend into required yards upon findings by the approving authority that the connecting feature is necessary to provide safe pedestrian access or to improve transit access.
7. Security gates and guard stations can be located within any required yard.
8. Decks, uncovered terraces, and at-grade patios can extend up to four feet into any required side yard, or up to eight feet into any required street yard, or within four feet of a rear property line.
9. Uncovered steps and handicapped access ramps can be located within any yard.
10. Except in Design districts, bay windows, entrances, balconies, and similar features that are less than ten feet wide can extend up to one and one-half feet into any required yard, but shall remain at least six feet from the property line.
11. In Design districts, balconies and bay windows that extend out from the building are not required to meet step-back or build-to line requirements.
12. Mechanical equipment for residential uses, such as HVAC units, can extend into any required side yard but shall remain at least six feet from the property line.
13. Trellises and pergolas can be located within any required yard.

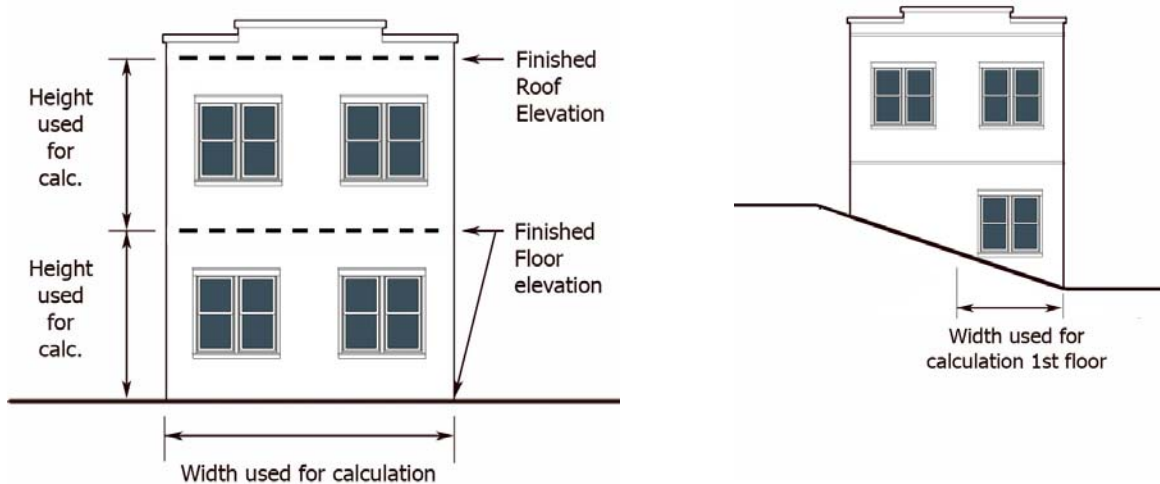
6.13.4 Density

Other than calculating the density bonus area pursuant to paragraph 6.4.3A, Major Roadway Density Bonus Area, all existing right-of-way and dedications to expand existing right-of-way shall be excluded from the calculation of the area of a project for density purposes. Right-of-

way shall mean the ultimate right-of-way of a roadway as established by NCDOT or the City of Durham, as appropriate.

6.13.5 Fenestration

- A. The percentage of building facade glazing shall be calculated from the finished floor elevation to the next finished floor elevation or finished roof surface.
- B. Parapets, foundation walls, and at- or below-grade retaining walls, where there is no habitable space behind the walls, shall be excluded from glazing calculations.



[This page intentionally left blank]